

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

Case No. 5:21-CR-434-M-1

CHRISTOPHER LAMAR BAKER,
Defendant,

and

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

Case No. 5:21-CR-434-M-13

LONDON HOLCOMB,
Defendant.

JURY TRIAL - VOLUME I
SEPTEMBER 12, 2022
THE HONORABLE CHIEF JUDGE RICHARD E. MYERS II
UNITED STATES DISTRICT JUDGE

Risa Kramer, RMR, CRR
Official Court Reporter
United States District Court
Wilmington, North Carolina

A P P E A R A N C E S

On Behalf of the Government

ROBERT J. DODSON
KELLY L. SANDLING
United States Attorney's Office - EDNC
150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601

On Behalf Of Defendant Christopher Lamar Baker

DAMON CHETSON
The Chetson Firm, PLLC
19 W. Hargett Street, Suite 400
Raleigh, North Carolina 27601

On Behalf Of Defendant Landon Holcomb

ELISA CYRE SALMON
The Salmon Law Firm, LLP
P.O. Box 185
Lillington, North Carolina 27546

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TRANSCRIPT OF PROCEEDINGS

(Proceedings commenced at 3:03 p.m.)

(The following took place outside the presence of the jury.)

THE COURT: All right. Back on the record in the case of United States of America versus Christopher Lamar Baker and Landon Holcomb. At this point, we're going to proceed to voir dire of the government's expert witnesses.

MS. SANDLING: Thank you, Your Honor. The government would call Jeremy Scheetz.

THE COURT: Witness will step forward and be sworn.

THE CLERK: Raise your right hand, left hand on the Bible. Please state your name for the record.

THE WITNESS: Jeremy Colton Scheetz.

(The witness was placed under oath.)

MS. SANDLING: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. SANDLING:

Q. Good afternoon, Mr. Scheetz.

A. Good afternoon, ma'am.

Q. What is your occupation?

A. I am an intelligence operations specialist, IOS, with the Alcohol, Tobacco, Firearms, and Explosives.

1 Q. How long have you been employed with ATF?

2 A. I've been employed with ATF since 2003.

3 Q. Prior to being assigned to the IOS unit, were you
4 assigned to any other units or divisions within ATF?

5 A. Yes. From 2003 to 2006, I worked in our joint
6 support operations center, basically running warrants,
7 clearing warrants, stuff of that nature.

8 Q. What are your duties and responsibilities as an
9 intelligence operations specialist?

10 A. I monitor and track outlaw motorcycle gangs or
11 motorcycle clubs on a global perspective. I write
12 strategic and tactical intelligence-based reports on a
13 global perspective. I support ongoing investigations by
14 creating charts, conducting debriefings, proffers of
15 that nature. I conduct expert testimony in federal,
16 state, and military court. I work a lot of outlaw
17 motorcycle gang or motorcycle club events, parties,
18 funerals across the world. And I also instruct at gang
19 conferences, symposiums, expert symposiums, and to
20 dignitaries across the world, and that's usually about
21 30 to 35 times a year.

22 Q. Are you a member of any professional
23 associations?

24 A. Yes. It's IOMGIA. That's the International
25 Outlaw Motorcycle Gang Investigator Association.

1 Q. And have you received any specialized training in
2 any areas of outlaw motorcycle investigations and/or
3 gangs?

4 A. Yes. I've gone to many gang symposiums. I've
5 taught at many gang symposiums. And then in 2006 I went
6 to the ten-week Drug Enforcement Administration school
7 where I learned to become an intelligence research
8 specialist.

9 Q. Have you ever taught any courses relating to
10 outlaw motorcycle investigations?

11 A. Yes, ma'am --

12 Q. Or gangs? What are those, please?

13 A. First and foremost, it's intelligence for an
14 outlaw motorcycle gang or motorcycle club investigation.
15 I do a lot of teaching on trends and patterns; migration
16 leads to violence, the inner workings of an outlaw
17 motorcycle gang or motorcycle club. I look at gang
18 structure. I look at their history. I look at their
19 recruiting patterns. I do a lot of street gang OMG.
20 Primarily, I look at the violent crime aspect affiliated
21 internally and externally with outlaw motorcycle gangs.

22 Q. Do you keep current on literature pertaining --
23 literature and studies pertaining to outlaw motorcycle
24 gangs and prosecutions?

25 A. Yes, ma'am.

1 Q. What do you do to keep current?

2 A. I'm in constant contact -- if I'm not part of the
3 investigation on an intelligence aspect or if I'm not
4 testifying, a lot of times because of my role with ATF
5 and within the Department of Justice, I'm able to have
6 great contact, and a member of IOMGIA, with a lot of
7 ongoing investigations that are transpiring across the
8 globe. And that's also on state, federal, and also the
9 military level as well.

10 Q. Have you written any articles within the field
11 pertaining to outlaw motorcycle gangs and prosecutions?

12 A. Not articles. No, ma'am.

13 Q. Okay. Are your publications or any internal
14 reports that you do write, are they peer-reviewed?

15 A. Yes, ma'am.

16 Q. How are they -- describe that process for me.

17 A. It's part of the process of being an intelligence
18 component within ATF. It's not mandatory, but it's
19 perceived that you'll have one of your coworkers do a
20 peer review on your report. Anytime I create a
21 document, it could be small as a tactical report or
22 strategic report, I always have someone who's been
23 deemed an expert either by their agency or state or
24 federal court, who oversees and looks at my report or
25 writings to make sure that everything's up to speed.

1 Q. As an intelligence operation specialist, do you
2 come into contact with gang members, specifically outlaw
3 motorcycle gang members?

4 A. Yes, ma'am.

5 Q. How often?

6 A. I would say very often because I work a lot of
7 outlaw motorcycle gang or motorcycle club events across
8 the globe every year.

9 Q. What types of situations have you had personal
10 contact with outlaw motorcycle gang members?

11 A. It could be from interviews, debriefings, working
12 large-scale events like Sturgis every year, or another
13 motorcycle club or OMG's event, where I'm there on a
14 traffic stop or when somebody gets arrested, or on the
15 intelligence component pattern when I'm assisting the
16 state and locals if they're having contact with an OMG
17 member or motorcycle club member. A lot of times state
18 and locals will bring me in to discuss the run, the
19 funeral, the party, or the event with that person in the
20 room at the same time.

21 Q. Over the course of your career, how many outlaw
22 motorcycle gang members have you spoken with?

23 A. I would say a little over 200.

24 Q. And how did you know that these individuals were
25 involved in an outlaw motorcycle gang?

1 A. Either by the colors or the cuts or the rags that
2 they are wearing on themselves; maybe some type of
3 indicia on their body that says that they're a member or
4 a supporter or prospect of that club. It could be
5 somebody who did self-reporting. It could be somebody
6 through one of our long-term or short-term
7 investigations with ATF or the Department of Justice.

8 Q. Describe, if you would, some of the typical
9 markers that an outlaw motorcycle gang member may wear.

10 A. First and foremost, they'll wear what we call a
11 vest, or it will be considered leathers, in words of the
12 Pagans. It could be cuts or rags. On those colors,
13 rags, cuts, vest, or jacket, there's some type of
14 notation which they consider themselves an emblem or a
15 moniker, which is either on the front or on the back or
16 sometimes on both. It symbolizes or shows that they're
17 a member of that particular motorcycle club or OMG.

18 Q. As an intelligence operation specialist, is it
19 your responsibility to keep current as to the markers
20 that individuals within these groups wear?

21 A. Yes, ma'am.

22 Q. And what steps do you take to keep current?

23 A. First and foremost, I do a lot of compare and
24 contrast. I look at old photos in comparison to new
25 photos, comparing a member or prospect's colors, rags,

1 or vest to see if they've earned any new patches or tags
2 on their colors, rags, or cuts.

3 I look at -- a lot of times when they've
4 been in a former or been members of a previous
5 motorcycle club and I look at the steps they've taken to
6 join another motorcycle club and stuff of that nature.
7 I looked at, you know, what type of lifestyle they had
8 beforehand; if they were in a smaller motorcycle club,
9 if they've moved up into what we deem an outlaw
10 motorcycle gang. I look at all aspects and study and
11 analyze and see their progression.

12 Q. Do you work with colleagues to keep current as to
13 typical outlaw motorcycle gang markers and their
14 culture?

15 A. Yes, ma'am.

16 Q. What are some of those steps that you and your
17 colleagues take?

18 A. First and foremost, my job is the intelligence
19 component where -- the enforcement component, since I do
20 not have arrest powers. So my job is to analyze
21 everything that's brought in if I'm there or not there.
22 It could be from police reports. It could be from
23 interviews. It could be from debriefings, proffers. It
24 could be from traffic stops. It could be pictures that
25 we've snapped at an event. And it's my job to analyze

1 and keep those up to speed and also notify the people in
2 the field of any new trends and patterns that pertain to
3 the OMG or a particular OMG or an ongoing investigation
4 to make sure those individuals are up to speed as well.

5 Q. Have you ever testified in connection with an
6 outlaw motorcycle gang case?

7 A. Yes, ma'am.

8 Q. How many times?

9 A. I believe six times.

10 Q. In which courts?

11 A. I testified recently in the spring in a federal
12 court in San Francisco. Before that I testified online
13 for a federal investigation in Portugal. I've also
14 testified in a couple military administrative hearings
15 for active duty military members or a government
16 contractor employee that was a member of an outlaw
17 motorcycle gang. I've testified in administrative
18 hearings at police departments.

19 Q. Have you been recognized by these Courts as an
20 expert in the field of outlaw motorcycle gangs?

21 A. Yes, ma'am.

22 Q. Has a Court ever not recognized you as an expert
23 within this field?

24 A. No, ma'am.

25 MS. SANDLING: Your Honor, the government at

1 this time would tender Jeremy Schwartz [sic] as an
2 expert in the field of outlaw motorcycle gangs.

3 THE COURT: Voir dire, counsel?

4 MR. CHETSON: I think Ms. Salmon was gonna
5 go first.

6 MS. SALMON: Your Honor, we would ask,
7 before the government completes its questioning, that
8 the record be made more complete about what the opinions
9 that he may wish to render might be, and that might be
10 more directly given on direct examination, or more
11 efficiently given. We have not heard what the expert
12 opinion is. And the defense maintains that the initial
13 disclosure that was filed was insufficient in that it
14 did not provide us any information about what his
15 opinions were as applied to this case.

16 THE COURT: Ms. Sandling, I'll ask you to
17 proceed by proffer regarding the -- without going into
18 excessive detail, the expected substance of the
19 testimony and how it fits against the opinions your
20 expert would render.

21 MS. SANDLING: Okay. Mr. Scheetz, are
22 you -- oh.

23 THE COURT: By proffer.

24 MS. SANDLING: Okay. I'm sorry.

25 Your Honor, basically, Mr. Scheetz would be

1 testifying as to the hierarchy of the Pagans, the roles
2 within the members of the Pagans, what individual terms
3 mean within the hierarchy, his familiarity with Chris
4 Baker, not personally but through his position as an
5 intelligence operation specialist, and that at the time
6 that the defendant was indicted in this case, he was a
7 13 within the Pagans. That's basically the substance of
8 his testimony.

9 THE COURT: And the basis for his knowledge
10 regarding this individual defendant?

11 MS. SANDLING: The basis for his knowledge
12 would be his familiarity with a ATF DEA investigation
13 out of New Jersey in which Victor Conan, who was the
14 national president of the Pagans, was indicted and
15 arrested by New Jersey ATF DEA. Mr. Baker attended some
16 rallies for Conan. Conan and the defendant were very
17 close. Mr. Conan was a great supporter of Mr. Baker.
18 That would be his familiarity with Mr. Baker. And that
19 was through debriefs of cooperator defendants in the
20 New Jersey DEA case, Your Honor -- or ATF case.

21 THE COURT: So the position would be that as
22 a result of his role as an outlaw motorcycle gang
23 specialist and intelligence officer for the ATF, it's
24 been his duty to debrief members of this particular
25 outlaw motorcycle club, and in the course of debriefing

1 them, he became familiar with this defendant and his
2 role within the organization?

3 MS. SANDLING: That's correct, Your Honor.

4 THE COURT: All right. Ms. Salmon.

5 MS. SALMON: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MS. SALMON:

8 Q. Agent Scheetz, you testified that you have been
9 qualified as a testifying expert before, right?

10 A. Yes, ma'am.

11 Q. And most recently, you were qualified in the
12 Northern District of California in United States versus
13 Nelson, et al. Is that correct?

14 A. Yes, ma'am.

15 Q. And the specific subject matter in which you were
16 qualified in that case was in Hells Angels history,
17 correct?

18 A. Yes. It was one of them. Yes, ma'am.

19 Q. And symbols?

20 A. Yes, ma'am.

21 Q. And terms, correct?

22 A. Yes, ma'am.

23 Q. And the territory of the Hells Angels in that
24 case. Correct?

25 A. Yes, ma'am.

1 Q. Am I correct that that is the sort of subject
2 matter on which you were previously qualified?

3 A. Yes, ma'am. Scope, yes.

4 Q. And you just heard the United States say that you
5 have formed opinions in this case. Did you review the
6 indictment in this case?

7 A. No, ma'am.

8 Q. Did you review any discovery or memorandums of
9 interview in this case?

10 A. No, ma'am.

11 Q. So what written documents do you rely on in
12 forming your expert opinions on outlaw motorcycle gangs?

13 A. It could be previous expert testimony documents;
14 previous expert testimony documents that have been
15 written during proffers or debriefings. And it's not
16 just United States. It could be across the world.
17 Other documents that have been submitted as
18 intelligence-based products; a lot of ATF or DEA or,
19 say, ATF ROIs that have been done through the multiple
20 investigations that I've assisted since 2006; a lot of
21 the debriefings that I've conducted on ATF undercover,
22 special agents, or task force officers who have taken
23 time, two or three years out of their life, to
24 infiltrate these outlaw motorcycle gangs.

25 Q. So is it fair to say that your opinions are

1 largely based on information that you get from law
2 enforcement personnel or investigations by law
3 enforcement personnel?

4 A. A lot of it comes from that. Yes, ma'am.

5 Q. And is there a -- just forgive me. I do not
6 know. Is there a field of study or an academia that
7 studies outlaw motorcycle gangs?

8 A. No, ma'am.

9 Q. Are you aware of any studies based on, you know,
10 data, longitudinal studies, things that could be
11 replicated?

12 A. On outlaw motorcycle gangs?

13 Q. Yes, sir.

14 A. No, ma'am.

15 Q. Are there any statistical analysis that you rely
16 on in rendering your opinions about outlaw motorcycle
17 gangs?

18 A. Yes, ma'am.

19 Q. Could you tell me about that?

20 A. Every year I submit documentation -- since
21 2009 -- to approximately 400 or so state and local and
22 federal law enforcement agencies across the United
23 States. And that is based on arrest reports, probation
24 violations. And I keep track of all the ongoing
25 violence with outlaw motorcycle gangs and motorcycle

1 clubs within that time frame that year. And then I use
2 that to analyze and utilize a thing called predictive
3 analytics, and that way I can tell if a certain
4 motorcycle club or OMG moves into a certain area, if
5 we're gonna see some type of violent altercation
6 transpire.

7 Q. And do you often serve as a liaison between state
8 and federal law enforcement in motorcycle club
9 investigations?

10 A. Yes, ma'am. That's part of my job.

11 Q. Tell me, how does that work?

12 A. We might get a request for information that comes
13 in saying -- say it's -- because it's from a state and
14 local law enforcement agency, they might need an updated
15 roster, they might need someone who's familiar with a
16 certain motorcycle club or a certain outlaw motorcycle
17 gang. Or if somebody or a certain club moves into a
18 certain area, we say "migrates" into someone's
19 self-controlled territory, if they've seen any
20 historical value or historical basis of a violent
21 altercation taking place, they look at -- I look at
22 trends and patterns. If a certain motorcycle club or
23 outlaw motorcycle gang moves into an area, are they
24 gonna see not just violent crime but are they gonna see
25 large-scale drug trafficking or other types of illegal

1 transactions or activities are going to arise from their
2 moving into a certain area.

3 Q. And so a lot of your field work has been with the
4 Hells Angels, correct?

5 A. I wouldn't say a lot of it. I would say a good
6 portion, yes, ma'am. Not more than 50 percent. I'd say
7 about 40 percent.

8 Q. Are you familiar -- you mentioned the prosecution
9 out of New Jersey related to the Pagan Motorcycle Club,
10 right?

11 A. I did not, no.

12 Q. Oh, I'm so sorry. You're familiar with a
13 prosecution out of New Jersey related to the Pagan
14 Motorcycle Gang?

15 A. Yes, ma'am.

16 Q. Could you tell me a little about that?

17 A. Well, it's an -- I know it's an ongoing
18 investigation right now, so I don't think I can really
19 talk too much about it.

20 Q. Okay. Are you familiar with New Jersey Crime
21 Commission Report about outlaw motorcycle gangs entitled
22 "The Rise of the Pagans in New Jersey"?

23 A. Yes, I'm familiar with the report. Yes, ma'am.

24 Q. Did you participate in the creation of that
25 report?

1 A. No, ma'am.

2 Q. Did you liaise or otherwise interact in any way
3 with New Jersey Crime Commission or local law
4 enforcement as they were creating that report?

5 A. I did not, but the International Outlaw
6 Motorcycle Gang Investigator Association did provide
7 some historical value to that report.

8 Q. Have you read it?

9 A. I've not read it. I've seen the video interview.

10 Q. One of the things in that report that they talk
11 about is something called cell theory within motorcycle
12 gangs. Are you familiar with cell theory?

13 A. No, ma'am.

14 Q. You mentioned that you have not authored -- I'm
15 not sure. You said you didn't author any publications
16 but you do author reports. Could you tell me more about
17 that?

18 A. Yes. I think -- not speaking for -- sorry. I
19 don't write anything that's a periodical or something
20 that's gonna go to be published. I am required in my
21 job to write tactical and strategic reports on the basis
22 of outlaw motorcycle gang or motorcycle clubs. And a
23 lot of times I write those reports based on new trends
24 and patterns that we see around the violent aspect or
25 any other thing that's nefarious within the outlaw

1 motorcycle gang culture, subculture.

2 Q. So did you -- have you authored a report about
3 the interaction between outlaw motorcycle gangs and the
4 military?

5 A. Yes, ma'am.

6 Q. Is that sort of a field that you focus on?

7 A. No, ma'am.

8 Q. When's the last time you did that kind of a
9 report?

10 A. That report was last disseminated in 2019, and
11 it's every two years, so actually it's in the process
12 right now of being submitted.

13 Q. Oh, so that's being updated again.

14 A. Yes, ma'am.

15 Q. And you said that there's not a field of academia
16 that really focuses on what you do. Is that right?

17 A. Not that I'm aware of, no, ma'am.

18 Q. But are you familiar with the work of
19 Dr. William Dulaney, Ph.D.?

20 A. I am familiar with him, yes.

21 Q. Are you familiar with what he calls the blue jay
22 theory?

23 A. No, ma'am.

24 Q. Have you read any of his published or
25 peer-reviewed articles that have appeared in criminology

1 journals?

2 A. No, ma'am.

3 Q. Are you familiar with the work of
4 Dr. Mark Adams Locks [phonetic] in Australia?

5 A. No, ma'am.

6 Q. You've not heard of him?

7 A. No, ma'am.

8 Q. Do you work with Australian and people
9 internationally --

10 A. Yes, ma'am.

11 Q. -- in your work on motorcycle gangs? So you're
12 not familiar with any Ph.D. work or published
13 peer-reviewed articles in this arena.

14 A. No, ma'am --

15 Q. Correct? You didn't rely on any of those things,
16 if they exist, to form the basis of your opinion?

17 A. If they exist, I would read it and take it into
18 value, but I've never read them. No, ma'am.

19 MS. SALMON: One second, Your Honor.

20 BY MS. SALMON:

21 Q. Do you intend to -- the prosecutor has forecasted
22 that you intend to offer opinions related to Mr. Baker
23 and his role in the Pagan Motorcycle Gang. Have you
24 formed an opinion as to Landon Holcomb in this case?

25 A. I don't know who Landon Holcomb is, ma'am.

1 MS. SALMON: No further questions, Your
2 Honor.

3 THE COURT: Mr. Chetson.

4 MR. CHETSON: Yes. Just a few questions.

5 CROSS-EXAMINATION

6 BY MR. CHETSON:

7 Q. So if I understand this correctly, you intend to
8 offer an opinion as to Mr. Baker in this case?

9 A. Not per se Mr. Baker but the whole totality of
10 the Pagans. And I know Mr. Baker's history. Yes, sir.

11 Q. Okay. And the information about Mr. Baker
12 doesn't come from any of the case file or discovery in
13 this case, correct?

14 A. No, sir.

15 Q. Comes from a New Jersey case?

16 A. Not just New Jersey. There's other
17 investigations that are ongoing right now, or case has
18 been adjudicated, and older investigations that I have
19 worked or assisted on where Mr. Baker was involved.

20 Q. Okay. But there is a New Jersey investigation,
21 is that correct?

22 A. Yes. There's an ongoing investigation in
23 New Jersey. Yes.

24 Q. Okay. And in that on- -- are there any written
25 documents that you've consulted as a result of that

1 New Jersey investigation?

2 A. No, sir.

3 Q. So your knowledge of that is from hearing other
4 individuals -- I mean, how did you get that knowledge
5 out of New Jersey investigation if not by documents?

6 A. It was through intelligence sharing and ongoing
7 investigations and working events that were -- at the
8 time we were assisting on going to work events, take
9 photos, collect intelligence. We would observe
10 Mr. Baker or people with Mr. Baker.

11 Q. And I don't mean to belabor too much, but what
12 was the mechanism? Did you talk to people and people
13 told you things? Is that how you found out?

14 A. Yes. So we had corroborated between other
15 people. And it wasn't just New Jersey --

16 Q. I'm just sticking with New Jersey for now.

17 A. Yes, sir.

18 Q. Did you hear things out of New Jersey about
19 Mr. Baker's status in the motorcycle club?

20 A. Yes, sir.

21 Q. And that's how you formed your opinion about
22 Mr. Baker -- in part, that's one of the cases that led
23 you to the opinion about Mr. Baker's status within the
24 club, correct?

25 A. Not just that, sir. There was other -- that's

1 just a small percentage of -- from my totality of how I
2 gained my opinion.

3 Q. And the other -- how, mechanically? Did you hear
4 it from people? Did you --

5 A. We hear --

6 Q. -- hear people tell you Mr. Baker is a 13 in the
7 club?

8 A. Yes.

9 Q. Okay. And so it was by hearing other people
10 telling you that that you formed your opinion that
11 Mr. Baker was a 13 in the club.

12 A. You're correct, sir.

13 Q. Okay. But there aren't written reports to this
14 effect. Is that...

15 A. Not that I've observed. No, sir.

16 Q. And when's the last -- when's the last time that
17 you had a communication with somebody where they said
18 Mr. Baker was in November 5 -- on November 15th of last
19 year a 13 in the Pagans Motorcycle Club?

20 A. I have no clue, sir.

21 Q. So you don't remember when's the last time you
22 heard about Mr. Baker's status in the motorcycle club.

23 A. No, sir.

24 Q. You were asked about how many times you've
25 testified as an expert witness, and it's my

1 understanding that you've testified just once in a
2 federal courtroom as an expert witness. Correct?

3 A. That's correct, yes. I mean, Portugal was
4 considered federal, because federal --

5 Q. I'm talking about the United States --

6 A. Yes, sir. Yes, sir.

7 Q. And in any -- other than that one time in a
8 federal courtroom in San Francisco, have you testified
9 in any state courtrooms, by which I mean states of the
10 United States, in criminal prosecutions?

11 A. No, sir.

12 Q. You talked about being a member of the IOMGIA,
13 International Outlaw Investigators group?

14 A. "Motorcycle Gang." Yes, sir.

15 Q. What countries other than the United States are
16 part of that group?

17 A. Oh. Australia, Canada, Sweden, Norway, Denmark,
18 Belgium, England, Ireland, Scotland. There's a good
19 host of European countries as well, sir.

20 MR. CHETSON: Your Honor, I think that
21 concludes my voir dire. The rest of the issues were
22 covered by Ms. Salmon.

23 THE COURT: All right. I'll hear argument
24 from the defense. The United States has proffered --
25 I'll appropriately make my record.

1 The United States has proffered that this
2 individual be able to testify regarding the structure of
3 the Pagans Outlaw Motorcycle Club. My understanding is
4 that that will include testimony that there are
5 particular individuals who have authority over certain
6 territories within the club, and that this individual
7 has a reputation amongst other members of the Pagans
8 Outlaw Motorcycle Club as serving in that position; that
9 this individual has individually identified and
10 interviewed members of the Pagan Outlaw Motorcycle Club
11 through prior investigations and also through interviews
12 and conversations that have taken place at rallies such
13 as Sturgis. And so this is really testimony regarding
14 the reputation within the Pagan community with which
15 this defendant has become familiar regarding the
16 defendant's role and status. Is that a correct
17 forecast?

18 MS. SANDLING: That's a correct forecast,
19 Your Honor. Yes.

20 THE COURT: The Court's prior ruling at the
21 hearing in limine was that we have to be very careful
22 that this does not become a referendum on his
23 relationships outside, the extent to which they explain
24 his participation in the relationships that are the
25 basis for this case.

1 I'll tell you, I want to be sure that the
2 limitations that were placed at the hearing in limine
3 regarding 404 and 403 are scrupulously honored. I think
4 this defendant [sic] is qualified. I think there's a
5 separate question outside of the 702 issue. 702 permits
6 a witness who's qualified as an expert by knowledge,
7 skill, experience, training, or education. This is not
8 a Daubert case. This is not scientific knowledge. This
9 is knowledge regarding historic information regarding
10 the particular organizational structure of a particular
11 club.

12 One can become an expert in such a club by
13 interview of that club's members and participation in
14 events where that club frequents those events and by
15 review of intelligence testimony. That is a proper
16 subject for expert testimony. However, this Court's
17 very concerned about 404 and 403 and contaminating this
18 trial with anything that does not use that to bear
19 directly on this defendant's role and how that bears on
20 the particular transactions that took place. And we've
21 discussed that. I want to be clear.

22 I'll hear from the parties first as to
23 whether or not this is properly a subject of expert
24 testimony. I want you to make your record. But I've
25 given you a forecast of where the Court comes out on

1 702. I think this is properly subject matter that is
2 properly subject to it. This is not Kumho Tire. This
3 is not Daubert. This is not scientific expertise. This
4 is not peer review. This is historic information that
5 one can through significant study over time become the
6 knowledge holder and bearer that goes beyond the
7 ordinary knowledge of the jurors.

8 The question is is it sufficient facts. Are
9 those -- is it reliable principles and methods, and has
10 he applied the principle and methods to the facts of
11 this case. There's a hearsay concern, which I think is
12 where you're driving, Mr. Chetson, and I understand
13 that. I'll hear from you, though, regarding 702, and
14 then there's a separate question as to scope under 403
15 and 404. I'll turn the floor over to -- I guess I'll
16 turn it over to you first, Ms. Salmon, and then to you,
17 Mr. Chetson.

18 MS. SALMON: Well, Your Honor, my objection
19 is largely -- since he has forecasted he's not formed
20 any opinion about my client specifically, then this is
21 more an issue about the Court having ruled on its
22 inclination to find that this is specialized knowledge
23 that would be appropriate expert testimony in this case.

24 Mister -- I'm sorry, Agent. Agent Scheetz
25 was previously qualified. And the umbrella under which

1 he was qualified to testify, those subject matter areas
2 were history, symbols, terms, and territory. With
3 respect to that, the 702 standard, Your Honor, we really
4 have no objection, preserving our previous objections
5 and understanding the Court's current ruling.

6 We do, however, question -- beyond that
7 umbrella, we would object and say that there's not been
8 a sufficient showing that anything outside of that would
9 be based on sufficient facts or data because it does
10 sound as if it is just ongoing investigations and
11 materials which cannot be replicated.

12 And secondarily, the testimony would not be
13 the product of reliable principles and methods. They
14 sound investigatory in scope, and again, nothing that
15 could be replicated or challenged because they do seem
16 to be investigation-based observations.

17 So again, within that previously qualified
18 umbrella of history, symbols, terms, and territory, we
19 would not object to him testifying as to those things.

20 THE COURT: All right. Thank you, counsel.

21 Mr. Chetson, you wish to add anything?

22 MR. CHETSON: Yes, Your Honor.

23 I think we tread on some dangerous ground
24 here when we start to talk about this witness being able
25 to testify as to the history, and then bringing into

1 that history the historical roles that my particular
2 client has played, if only because then the expert
3 witness rule becomes a way for, largely, government
4 agents get on the stand and say: I've investigated this
5 crowd for years. We're not gonna bring the individual
6 folks that actually have been a part of the community.
7 And that's originally what reputation evidence was about
8 and was about what's the nature of the community, you're
9 in the community, you see them day-to-day, and
10 therefore, you can't say things particular about that
11 person's actions but about their overall reputation.

12 So the problem is that the government agents
13 are in a particular role, and obviously this will be
14 part of cross-examination. But I think we tread in very
15 -- have to be very careful about allowing that to come
16 in under the guise of expert witnesses. And we can talk
17 about that -- and I don't mean to make this a
18 political -- but to kind of abstract this out to what
19 people believe about this party or that party becomes
20 very dangerous as expert witness says: I've studied the
21 Republican party, I've studied the Democratic party, and
22 I'm gonna start opining for you, Your Honor, because I
23 engage in -- I engage in political science in some
24 university.

25 I agree with Your Honor, first of all, that,

1 you know, academics are academics, and that's wonderful,
2 and you are an academic, but people trained and don't
3 have -- can be admitted as an expert without -- haven't
4 had training. So I worry about that issue, and I object
5 on that ground.

6 THE COURT: I understand. The objection is
7 gonna be overruled. I'm gonna qualify him as an expert
8 as to symbols, terminology, the organization and
9 structure of the Pagans Outlaw Motorcycle Gang, and I'm
10 gonna find that he has stated a sufficient basis, which
11 is intelligence work over time regarding an organization
12 that exists, has a coherent structure, has participants.
13 Those participants -- he's interviewed multiple numbers
14 of those participants over time.

15 And it's my understanding that there will be
16 fact witness -- lay witness testimony from fellow
17 participants within the organization who will testify to
18 underlying facts that would allow him to render a basis.
19 For example, "He's a 13." No one in here is gonna know
20 what that means without some explanation of what that
21 means. And this witness would be here to expand beyond
22 the lay knowledge of a juror what that means.

23 If someone wants to testify "And I did a
24 drug case in New Jersey, and" -- I'm not gonna allow
25 that to go forward. Now we're into the 404(b) problem.

1 So to the extent that he's here to clarify and explain
2 statements, understandings that are going to come from
3 other witnesses who are going to be present, subject to
4 cross-examination, capable of being confronted and
5 participating in this trial, that's permissible. To the
6 extent that it is not, the Court is going to put
7 significant limitations on that. Does everybody
8 understand where we're going?

9 MR. CHETSON: Thank you, Your Honor. Just
10 one question about that ruling.

11 THE COURT: Yes.

12 MR. CHETSON: He will not be able to testify
13 that Mr. Baker was a 13. Other witnesses can say he was
14 a 13, and he can explain to the jury what the structure
15 is. That would be my understanding of what the Court
16 is -- is --

17 THE COURT: I think what -- he's gonna be
18 able to testify to more than that. He can testify to --
19 my understanding is that by -- from his proffer is that
20 by attendance at Sturgis, conversations with other
21 Pagans who were Pagans at the same time as this
22 defendant, that this defendant had a role within that
23 organizational structure; that he became aware of that
24 through conversations with people who are
25 contemporaneous members of the Pagan community, and that

1 people testified, sometimes as parts of criminal
2 investigations and sometimes at conversations at
3 Sturgis, that he has encountered this defendant himself
4 personally, that he has seen him wearing patches, and
5 that in the context of everything that he has put
6 together regarding outlaw motorcycle clubs, that this is
7 part of his knowledge.

8 Now, if the other witnesses don't testify
9 and close that circle, I'm gonna order all this
10 testimony stricken and we're in danger of mistrial. But
11 my understanding is that there will be percipient
12 witnesses who will testify "I was a Pagan. I am aware
13 of his role in the organization. He was this, and this
14 is what it means."

15 Now, it's not my job to tell the government
16 how to try its case. I would put this witness on after
17 those people had testified, not before, at which point
18 it will be clear what testimony he would be squaring the
19 circle on. He can forecast it. They can suggest it's
20 going to come, we're gonna talk about it structurally.
21 But if they don't close the circle, we're in danger of
22 mistrial. I want to be absolutely crystal clear to
23 everybody that that's where I am. All right?

24 MS. SANDLING: Yes. Understood, Your Honor.

25 THE COURT: All right. So he's not going to

1 be able to testify to 404(b) about specific facts -- or
2 specific events that he was not a percipient witness to.
3 He can testify that there's been a forecast of evidence,
4 and given everything else he knows that's consistent
5 with that, he can testify what it means to be a 13 and
6 what it means to participate and what the structure of
7 the organization is. And that would put a framework
8 within which the jury can place other knowledge. That
9 is a proper subject of expert witness testimony. The
10 Court has stated very clearly on the record, I'm
11 concerned that we're going to devolve into areas that
12 fall under 404 and 403, and I think the United States is
13 on full notice.

14 Witness is qualified to testify pursuant to
15 702. I'll give the proposed jury instruction number 8
16 where I will speak about the fact that he is allowed to
17 give opinion testimony. I will allow counsel to make
18 any cross-examination that's considered appropriate of
19 any expert at the appropriate time regarding his
20 percipient knowledge and the extent to which some of
21 this is hearsay.

22 And I will warn counsel for the United
23 States and I will warn the witness that if we're talking
24 about specific events and specific facts as opposed to
25 reputation within the community, and the basis for that

1 reputation within the community, or what it means to be
2 a Pagan or what particular terms mean within the context
3 of the Pagans, the Court's going to shut that down.

4 All right. Any clarifying questions on the
5 Court's ruling? All right.

6 Next witness.

7 MR. DODSON: United States calls Stephen
8 Babits.

9 THE COURT: Thank you, sir. You may step
10 down.

11 AGENT SCHEETZ: Thank you, Your Honor.

12 THE CLERK: Raise your right hand, left hand
13 on the Bible, and please state your name for the record.

14 THE WITNESS: Stephen Babits.

15 (The witness was placed under oath.)

16 MR. DODSON: Thank you, Your Honor.

17 DIRECT EXAMINATION

18 BY MR. DODSON:

19 Q. Good morning, sir.

20 A. Good morning.

21 Q. What is your current employment?

22 A. I'm a special agent with the Bureau of Alcohol,
23 Tobacco, Firearms, and Explosives, otherwise known as
24 ATF.

25 Q. How long have you been employed with ATF?

1 A. I've been a special agent with ATF since August
2 of 2001.

3 Q. What are your general duties and
4 responsibilities?

5 A. General duties and responsibilities have been to
6 investigate interstate firearms trafficking, armed drug
7 trafficking networks, both proactive and historical
8 cases; prohibited persons in possession of firearms;
9 carjackings; commercial robberies; robberies of federal
10 firearm licensees; arson and explosive violations of the
11 United States as well.

12 Q. Can you please explain --

13 MS. SALMON: Your Honor, defense objection.
14 I'm concerned about the presence of multiple potential
15 government witnesses in the courtroom during the voir
16 dire when we're talking about forecasted testimony. You
17 had issued the sequestration order as to allow
18 Agent Fields to be in the courtroom, but I'm concerned
19 with Agent Babits testifying and then also having
20 Agent Scheetz present for this forecast of testimony.

21 THE COURT: Sequestration orders ordinarily
22 don't apply to expert witnesses who will be testifying
23 in their expert capacity. It was the Court's
24 understanding that percipient witnesses were being
25 sequestered. For the expert witnesses to reliably give

1 their expert testimony regarding the underlying factual
2 content, they're ordinarily permitted to remain. To the
3 extent there are other fact witnesses, percipient fact
4 witnesses, those should be sequestered, and they're
5 ordered out of the courtroom.

6 MS. SALMON: Thank you, Your Honor.

7 MR. DODSON: We don't identify any other
8 fact witnesses in the courtroom, Your Honor.

9 BY MR. DODSON:

10 Q. Agents Babits, please explain your experience as
11 a special agent in ATF dating back to when you first
12 began with the agency.

13 A. When I first began, I was assigned in 2001 to the
14 Fayetteville field office. My areas of responsibility
15 included the Johnston County and Harnett Counties in the
16 Eastern District of North Carolina. There I was
17 embedded with the Harnett County drug unit and the
18 Johnston County drug unit where we would identify armed
19 drug trafficking organizations, conduct investigations
20 in order to dismantle them from operating in the Eastern
21 District.

22 In around 2014, I was transferred to the Raleigh
23 field office where I began working with the Raleigh
24 Police Department. Specifically the -- I was embedded
25 with the gang suppression unit, the Raleigh Police

1 Department drugs and vice unit, and the Criminal
2 Enterprise Drug Unit, where there too we would identify
3 armed drug trafficking organizations, conduct
4 investigations into those, create OCDETF investigations
5 into those unit -- into those organizations to dismantle
6 them in the Eastern District of North Carolina.

7 Q. What training have you been involved in in
8 preparation for your position as a special agent?

9 A. Prior to being a special agent with ATF, I was a
10 Deputy United States Marshal in Boston, Massachusetts,
11 from 1998 to 2001, where I attended the Federal Law
12 Enforcement Training Center special agent training.
13 Then when I was hired by ATF in 2001 and went to the
14 special agent basic training, 2001, where we received
15 training in drug investigations, to include narcotic
16 identifications.

17 I've also attended several OCDETF conferences.
18 I've also presented at OCDETF conferences. The North
19 Carolina Gang Investigators Association conferences I've
20 attended and also have spoken with -- spoken at.

21 And I'm also a instructor at the ATF National
22 Academy where I teach case management, interviewing,
23 drug investigations, firearm trafficking investigations,
24 gang investigations, confidential informants, and
25 technical operations.

1 Q. Who are you teaching at the National Academy?

2 A. New basic students, special agents that are going
3 through the ATF Academy.

4 Q. You mentioned that you've been involved
5 previously in drug trafficking investigations.
6 Approximately how many such investigations have you been
7 involved in?

8 A. Since 2001, I'd say about over 1,000.

9 Q. What types of narcotics have been involved in
10 those investigations?

11 A. Everything from marijuana to methamphetamines to
12 cocaine, crack cocaine, heroin.

13 Q. What quantities of narcotics have been involved?

14 A. Everything from the kilogram level coming in to
15 the gram level to the user amount.

16 Q. And have you been involved -- you mentioned
17 you've been involved in armed drug trafficking
18 investigations. Approximately how many of those
19 investigations have you been involved in?

20 A. Probably about just as much, about 1,000. Drug
21 trafficking is a violent crime, and the individuals that
22 partake in drug trafficking keep a gun on them in order
23 to protect not only their drugs but also the money that
24 they make for those drugs.

25 Q. What are some of the investigative techniques

1 that you have personally been involved in during drug
2 trafficking and armed drug trafficking investigations?

3 A. We've had, you know, physical surveillance.
4 We've had electronic surveillance. We've done Title III
5 investigations, otherwise known as wiretaps. We've used
6 confidential informants and undercover agents in these
7 investigations.

8 Q. Have you used controlled purchases during those
9 investigations previously?

10 A. Yes, we have, with our confidential informants.

11 Q. How many of those -- how many investigations have
12 you done, approximately, that have involved the use of
13 controlled purchases as an investigative technique?

14 A. Pretty -- every drug trafficking investigation we
15 do, we utilize a confidential informant to conduct
16 controlled purchases.

17 Q. And have you ever been admitted as an expert in
18 the field of armed drug trafficking in a federal court?

19 A. Yes, I have, here in the Eastern District of
20 North Carolina in Judge Dever's courtroom.

21 MR. DODSON: Nothing further, Your Honor.

22 MR. CHETSON: Yes.

23 CROSS-EXAMINATION

24 BY MR. CHETSON:

25 Q. Agent Babits, I'm gonna ask you a few questions.

1 What did you -- what was the subject matters you
2 testified in Judge Dever's courtroom about as an expert?

3 A. It was about how drug dealing is an inherent
4 violent crime, and individuals possess guns in order to
5 protect their drugs, or they protect their money that
6 they make selling drugs, and also for intimidation as
7 well.

8 Q. Were you a case agent in that case as well?

9 A. I was a case agent in that case. Yes, sir.

10 Q. What percentage of -- do you know what the
11 percentage of folks in North Carolina that -- or
12 households in North Carolina that have firearms in them?

13 A. No, I do not.

14 Q. Have you done a study to find out what the
15 percentage of drug trafficking organizations have
16 firearms, or people within drug trafficking cases have
17 firearms on them at the time of arrest?

18 A. Can you repeat that question?

19 Q. Have you done a study or do you have any studies
20 to hand --

21 A. No, sir.

22 Q. Let me just finish the question, make sure the
23 record's clear. Do you have any studies -- have you
24 done any studies or do you have any studies to hand that
25 say how many individuals in the drug trafficking

1 organization possess a firearm at any one particular
2 time?

3 A. No.

4 MR. CHETSON: Similarly with the past
5 witness, Your Honor, I'd simply ask that the government
6 just proffer what areas it intends to offer this witness
7 as an expert in.

8 THE COURT: I'll ask the United States to
9 provide a proffer.

10 MR. DODSON: Yes, Your Honor.

11 The government proffers or would tender
12 Agent Babits as an expert in the field of armed drug
13 trafficking. As the Court knows, the defendant Chris
14 Baker is charged with possession of a firearm during a
15 drug trafficking crime. And so it's important for
16 Agent Babits to testify as to why drug traffickers carry
17 firearms in order to assist the government in proving
18 possession of a firearm. It'd be in furtherance of the
19 drug trafficking.

20 In addition, the jury should hear evidence
21 from Agent Babits as to the quantities of drugs that are
22 considered drug trafficking as opposed to just a user
23 amount of drugs and combined with a firearm versus
24 trafficking amounts of narcotics in relation to the
25 firearm.

1 MR. CHETSON: I have no further questions
2 for the witness, Your Honor.

3 THE COURT: Ms. Salmon.

4 CROSS-EXAMINATION

5 BY MS. SALMON:

6 Q. Hello, Agent Babits.

7 A. Hello.

8 Q. Have you read the indictment in this case?

9 A. The latest one?

10 Q. Any of them.

11 A. Yes.

12 Q. And you're aware that Mr. Holcomb is not charged
13 with any armed drug trafficking crimes, correct?

14 A. Correct.

15 Q. Will you be rendering any opinion related to
16 Landon Holcomb?

17 A. Not to him specifically. No, ma'am.

18 MS. SALMON: No further questions, Your
19 Honor.

20 THE COURT: All right. The Court finds that
21 it's not a subject of ordinary juror knowledge how much
22 of a particular -- there may be people who are aware of
23 how much of a particular drug, such as methamphetamine,
24 constitutes a user amount and how much constitutes a
25 trafficking amount. This is specialized knowledge which

1 is within the area of expertise of this witness based on
2 his training and experience, and he'll be able to
3 testify regarding drugs, drug quantities, user amounts,
4 and trafficking amounts on the basis of his expert
5 training and prior knowledge.

6 The Court also finds this defendant's [sic]
7 training and experience qualifies him to provide
8 background information to jurors regarding why one might
9 carry a firearm in connection with a drug trafficking
10 offense and to explain the circumstances under which
11 that becomes reasonable and lay a background for that
12 inference.

13 Under Rule 702, the invasion of the province
14 of the jury limitation has been removed and he, under
15 the Rules of Evidence, may testify regarding his opinion
16 regarding this particular defendant's use of a firearm.
17 The Court is concerned that it does come close to
18 invading the province of the jury. But I recognize
19 where the federal rules have taken that rule, and the
20 Court will follow the Rules of Evidence.

21 MR. DODSON: Thank you, Your Honor.

22 THE COURT: All right. The Court has issued
23 its rulings including the parameters around which these
24 witnesses will be allowed to testify. We'll bring the
25 jury back. And I'll just tell the parties, given the

1 time, I'm not sure we will get to both of these
2 witnesses today.

3 MR. DODSON: Your Honor, if I may before the
4 jury comes in, the electronics on our side, the control
5 panel we think might be muted up front. It's not
6 responding to us.

7 (Discussion off the record among the parties
8 and court personnel regarding technical difficulties.)

9 (The jury entered the courtroom.)

10 THE COURT: All right. Back on the record
11 and in the presence of the jury.

12 Ladies and gentlemen of the jury, sorry for
13 the delay. There were some matters that the Court had
14 to take up with the attorneys outside your presence
15 regarding some presentation of evidence in this case. I
16 promise you that I don't take your time lightly, and I
17 told you I'd bring you back at 3:00, and I know it's
18 significantly later than that, but we had some motions
19 work that we had to do.

20 What I say now is intended to serve as an
21 introduction to the entire trial of this case. It's not
22 a substitute for the detailed instructions on the law
23 that I will give you at the end of the case and before
24 you retire to deliberate on your verdict. It's only a
25 brief overview of the trial process.

1 Beginning with these preliminary
2 instructions and during the trial, you will hear me use
3 a few terms with which you may not be familiar. Let me
4 now briefly explain some of the most common to you.

5 You'll sometimes hear me refer to counsel,
6 which is another way of saying lawyers or attorneys. I
7 will sometimes refer to myself as the Court. The
8 prosecution and the defendants are sometimes called the
9 parties to this case. When I sustain an objection, I'm
10 excluding that evidence from this trial for good reason.
11 When you hear that I have overruled an objection, I'm
12 permitting that evidence to be admitted.

13 When I say "admitted into evidence" or
14 "received into evidence," I mean that the particular
15 statement or particular exhibit is now part of the
16 trial, and most importantly, may be considered by you in
17 making the decisions you must make at the close of this
18 case. Statements or exhibits that are not admitted into
19 evidence may not be considered by you in reaching your
20 verdict.

21 The term "burden of proof" or "sustaining
22 its burden of proof" means the obligation of a party to
23 prove its case. In this trial, it is the government's
24 obligation to produce proof beyond a reasonable doubt of
25 the charges in the indictment.

1 This is a criminal case commenced by the
2 United States, which I may sometimes refer to as the
3 prosecution and sometimes as the government, against
4 Christopher Lamar Baker and Landon Holcomb, to whom I
5 may refer as defendants. The case was initiated by way
6 of an indictment, which has been modified to the
7 pleading now in operation called the fourth superseding
8 indictment which charges the defendants with violating
9 federal law.

10 You should understand that an indictment is
11 simply a charge by the government to begin a case and
12 that it is not in any sense evidence of the allegations
13 or statements it contains. The government has the
14 burden or obligation to prove to you beyond a reasonable
15 doubt each of the essential elements of the crimes
16 charged in the fourth superseding indictment.

17 The purpose of this trial is to determine
18 whether the government can meet this burden. Mr. Baker
19 and Mr. Holcomb, the defendants, have pleaded not guilty
20 to the charges in the fourth superseding indictment. I
21 instruct you that you must presume that they are not
22 guilty of the crimes charged in that indictment.

23 To help you analyze the evidence as you hear
24 it at trial, I'll now give you a preliminary summary of
25 the crimes charged.

1 Count 1 of the fourth superseding indictment
2 charges both defendants with conspiracy to distribute
3 and possess with the intent to distribute
4 methamphetamine.

5 Counts 2, 3, 8, 11, 12, 15, and 16 charge
6 Defendant Baker with possession with the intent to
7 distribute 50 grams or more of methamphetamine and
8 aiding and abetting.

9 I'll send all these instructions back with
10 you in writing. You don't have to memorize them or take
11 notes. You'll have a full packet with everything I'm
12 telling you now. All the rules that you have to follow
13 at the end of the trial, those will go back with you to
14 aid you as you make your decisions.

15 Count 8 also charges the Defendant Holcomb
16 with the same crime.

17 Count 4 charges Defendant Baker with
18 possession of a short-barrelled shotgun in furtherance
19 of a drug trafficking crime and aiding and abetting.

20 Count 6, 7, 9, 10, and 13 charge Defendant
21 Baker with possession with the intent to distribute 5
22 grams or more of methamphetamine and aiding and
23 abetting.

24 Count 14 charges Defendant Baker with
25 possession of a firearm in furtherance of a drug

1 trafficking crime and aiding and abetting.

2 Count 17 charges Defendant Baker with
3 possession of a firearm, to include a machine gun, in
4 furtherance of a drug trafficking crime and aiding and
5 abetting.

6 And count 18 charges Defendant Baker with
7 conspiracy to commit money laundering.

8 At the conclusion of the trial, after you've
9 heard all of the evidence and after I've had an
10 opportunity to confer with the lawyers, I'll give you
11 the final and controlling statement as to what the
12 elements of the charged crimes are. I'm giving you this
13 preliminary summary now to help you during the trial as
14 you hear the evidence and see the exhibits.

15 The trial will proceed in the following
16 order.

17 First, the parties have an opportunity to
18 make opening statements. The government may make an
19 opening statement at the beginning of the case. The
20 defendants may make opening statements following the
21 government's opening statement, or they may postpone
22 making of any opening statement until the close of the
23 government's case. The defendants are not obligated to
24 make opening statements.

25 What is said in the opening statements is

1 not evidence. The opening statements simply serve as an
2 introduction to the evidence each party intends to
3 produce during the trial.

4 After opening statements, the government
5 will introduce evidence it feels supports the charges
6 contained in the fourth superseding indictment.

7 Third: After the government has presented
8 its evidence, each defendant may present evidence --
9 may, but is not obligated to do so. The burden or
10 obligation, as you'll be told many times during the
11 course of this trial, is always on the government to
12 prove each and every element of the offenses charged
13 beyond a reasonable doubt. The law never imposes on a
14 defendant in a criminal case the burden of calling any
15 witnesses, producing any exhibits, or introducing any
16 evidence. A defendant is presumed to be innocent of the
17 charge.

18 Fourth: After all of the evidence has been
19 received -- in other words, after all the witnesses have
20 testified and after all the exhibits have been
21 admitted -- I will give you orally and in writing the
22 final instructions concerning the laws which you must
23 apply to the evidence received during the trial. Those
24 instructions will be much more detailed than those I'm
25 giving you now.

1 Fifth: After you've heard the instructions,
2 each party will be given the opportunity to present
3 argument to you in support of its case. This is called
4 closing argument. What is said in closing arguments is
5 not evidence just as what is said in the opening
6 statements is not evidence. The closing arguments are
7 designed to present to you the theories and conclusions
8 of the parties as to what each feels the evidence has
9 shown and what inferences must be drawn from the
10 evidence.

11 Sixth: You will then retire to consider
12 your verdict. Your verdict must be unanimous. That is,
13 all 12 of you must agree to it. Your deliberations are
14 secret except under certain circumstances. You will not
15 be required to explain your verdict to anyone.

16 By your verdict, you will decide disputed
17 issues of fact. I will decide all questions of law that
18 arise during the trial. Before you begin your
19 deliberations at the close of the case, I will instruct
20 you in more detail on the law that you must follow and
21 apply. Because you will be asked to decide the facts of
22 this case, you should give careful attention to the
23 testimony and evidence presented. Later, I will
24 instruct you about determining the credibility or
25 believability of the witnesses.

1 During the trial, you should keep an open
2 mind and should not form or express any opinion about
3 the case until after you've heard all of the testimony
4 and evidence, the lawyers' closing arguments, and my
5 instructions to you on the law.

6 While the trial is in progress, you must not
7 discuss the case in any manner amongst yourselves or
8 with anyone else. In addition, you should not permit
9 anyone to discuss the case in your presence. The
10 lawyers are not allowed to speak with you during this
11 case. When you see the lawyers at a recess or pass them
12 in the halls and they do not speak to you, they're not
13 being rude or unfriendly. They're simply following the
14 law.

15 During the trial, it may be necessary for me
16 to talk with the lawyers out of your hearing about
17 questions of law or procedure. Sometimes you may be
18 excused from the courtroom during those discussions.
19 I'll try and limit these interruptions as much as
20 possible, but you should remember the importance of the
21 matter you're here to determine and should be patient
22 even though the case may seem to go slowly.

23 The law of the United States permits a
24 federal judge to comment to the jury on the evidence in
25 a case. Such comments, to the extent they happen, are

1 only expressions of my opinion as to the facts, and the
2 jury may disregard them entirely. You as jurors are the
3 sole judges of the facts in this case. It is your
4 recollection and evaluation of the evidence that is
5 important to the verdict in this case.

6 Although you must follow the Court's
7 instructions concerning the law applicable to this case,
8 you're totally free to accept or reject my observations
9 concerning the evidence received in the case.

10 During the course of the trial, I may
11 occasionally ask questions of a witness. Do not assume
12 that I hold any opinion on the matters as to which my
13 questions may relate. The Court may ask a question
14 simply to clarify a matter, not to help one side of the
15 case or hurt another side. Remember at all times that
16 you as jurors are the sole judges of the facts in this
17 case.

18 It is the duty of the Court to admonish an
19 attorney who, out of zeal for his or her cause, does
20 something I feel is not in keeping with the Rules of
21 Evidence or Procedure. You are to draw absolutely no
22 inference against the side to whom an admonition of the
23 Court may have been addressed during the trial of this
24 case.

25 Objections and rulings. Testimony and

1 exhibits can be admitted into evidence during a trial
2 only if they meet certain criteria or standards. It is
3 the sworn duty of the attorney on each side of a case to
4 object when the other side offers testimony or an
5 exhibit which that attorney believes is not properly
6 admissible under the Rules of Evidence. Only by raising
7 an objection can a lawyer request and obtain a ruling
8 from the Court on the admissibility of the evidence
9 being offered by the other side. You should not be
10 influenced against an attorney or the attorney's client
11 because the attorney has made objections. Do not
12 attempt, moreover, to interpret my rulings on objections
13 as somehow indicating how I think you should decide this
14 case. I'm simply making a ruling on a legal question.

15 The Court will permit jurors to take notes
16 during the course of this trial. You, of course, are
17 not obliged to take any notes. If you do not take
18 notes, you should not be influenced by the notes of
19 another juror but rely on your own recollection of the
20 evidence. Notes are only an aid to recollection and are
21 not entitled to any greater weight than actual
22 recollection or the impression of each juror as to what
23 the evidence actually is. Note-taking must not be
24 allowed to interfere with the ongoing nature of the
25 trial or distract you from what happens here in court.

1 Notes taken by any juror, moreover, are not evidence in
2 the case and must not take precedence over the
3 independent recollection of the evidence received in the
4 case. Any notes taken by any juror concerning this case
5 should not be disclosed to anyone other than a fellow
6 juror.

7 Finally, you're to give separate
8 consideration for each defendant. Although the
9 defendants are being tried together in this case, you
10 must give separate consideration to each defendant. In
11 doing so, you must determine which evidence in the case
12 applies to each defendant regarding any evidence
13 admitted solely against the other defendant. The fact
14 that you may find one of the defendants guilty or not
15 guilty should not control your verdict as to the other
16 defendant.

17 All right. At this time, we're gonna have
18 opening statements. Do we need to move the podium?

19 MR. DODSON: If we could, Your Honor.

20 THE COURT: Okay. And if I understand,
21 we're having a few technical difficulties at counsel
22 table? Is that correct?

23 MR. DODSON: Yes, Your Honor, but I don't
24 think we're gonna need it for today, for the remainder
25 of today.

1 THE COURT: All right. Thank you.

2 MR. DODSON: Thank you.

3 Well, ladies and gentlemen, good afternoon.
4 I introduced myself to you earlier, but let me say again
5 I'm Robert Dodson, Assistant United States Attorney,
6 along with my co-counsel, Kelly Sandling; our case
7 agent, Catherine Fields, from the Bureau of Alcohol,
8 Tobacco, Firearms, and Explosives; and Scott Tyson, our
9 litigation support specialist.

10 We will present evidence to you throughout
11 the course of this trial this week that Christopher
12 Lamar Baker used his position and leadership in the
13 Pagan Motorcycle Gang to further his own gun and drug
14 trafficking activity. We will present evidence to show
15 that Mr. Baker had a position of leadership in the
16 Pagans, and he used that position of leadership to have
17 others below him to help him distribute methamphetamine
18 on his behalf. And that activity included driving him
19 around, driving him across states to go on resupply
20 trips to get more methamphetamine to distribute on his
21 behalf. That will also include providing security
22 during some of the controlled purchases that you'll hear
23 about today.

24 You already heard the judge describe to you
25 that several of the charges included distribution of an

1 amount of methamphetamine. I ask you to pay special
2 attention to those amounts because they'll become
3 important later on, as the judge will instruct you.

4 The co-conspirators will testify during the
5 course of the trial that it was their duty to provide
6 support for Mr. Baker because of that leadership
7 position in the Pagans. And you'll hear from some of
8 those individuals during the course of the trial, and
9 some of those individuals were members of the Pagans
10 themselves. Some of those people were close associates
11 to the Pagans or close associates of Mr. Baker. And
12 they wanted to help Mr. Baker in these activities
13 sometimes because they didn't have a choice or other
14 times because they wanted to fit in with the Pagans or
15 because they wanted to advance their own membership in
16 the Pagan Motorcycle Club.

17 The codefendant, Landon Holcomb, the
18 evidence will show was a member of the Pagans. He was
19 one of those individuals charged in aiding and abetting
20 Christopher Baker and his drug trafficking activities.
21 And aided and abetted, of course, as the Court will
22 explain later, is just helping in that activity.

23 The charges will be explained to you in
24 greater detail at a later time, but the conspiracy in
25 this case encompasses a certain time frame, and that

1 time frame is October of 2020 through November of 2021.
2 And the evidence that we'll present to you during the
3 course of this trial will show that there were 12
4 controlled purchases of methamphetamine and/or of
5 firearms during the course of the conspiracy. So during
6 the course from October 2020 to November of 2021, there
7 are 12 times when law enforcement utilized a
8 confidential informant to conduct these controlled
9 purchases.

10 You will hear from that confidential
11 informant during the course of this trial. You will
12 hear his testimony about how he was equipped on each
13 occasion with an audio/video recording device. And if
14 you'll notice the screens in front of you, during the
15 course of this trial we'll play those audio and video
16 recordings. You'll see some of them on your screen.
17 Some of them are a little difficult to see, so you'll
18 hear some things that are going on. And some of the
19 individuals who are present during those deals, other
20 than the confidential informant, you'll also hear from
21 on the witness stand this week.

22 You'll also hear from some of the other
23 people involved in the conspiracy again about how they
24 drove Mr. Baker across states and how they assisted him
25 in picking up methamphetamine from states, including

1 Georgia, and driving them back here to the Eastern
2 District of North Carolina and to other locations.

3 One of those controlled purchases I
4 mentioned earlier, one of the 12, we'll introduce
5 evidence to show that the defendant Landon Holcomb was
6 involved in that controlled purchase of distributing
7 more than 50 grams of methamphetamine.

8 We talked some about methamphetamine.
9 You'll also hear evidence of firearms involved in some
10 of these controlled purchases. You'll hear evidence
11 that some of the firearms included handguns, a sawed-off
12 shotgun, and you'll also hear from a ATF undercover
13 agent who set up a controlled purchase whereby a fully
14 automatic machine gun was sold to Mr. Baker and one of
15 his conspirators. You'll hear from individuals involved
16 in that controlled purchase.

17 You'll also hear evidence that Mr. Baker
18 utilized several locations in addition to people to
19 store methamphetamine that include residences in western
20 North Carolina and in West Virginia, and you'll hear
21 evidence that ATF raided a house in West Virginia where
22 they located Mr. Baker along with some methamphetamine.
23 The evidence will show that Mr. Baker laundered his
24 proceeds from his drug trafficking activity, money
25 laundering, through Cash App. And we'll explain to you

1 during the course of this trial, if you haven't heard of
2 Cash App, what that is and how it was used to launder
3 Mr. Baker's drug money.

4 You're gonna hear from some experts during
5 the course of this trial. Some of those experts include
6 forensic chemists from the Drug Enforcement
7 Administration that tested all of the drugs that were
8 recovered from all of the locations I just told you
9 about, from the 12 controlled purchases to some of the
10 drugs that were recovered in West Virginia and some of
11 the drugs that were recovered in Georgia during the
12 course of the conspiracy. You'll hear from those
13 chemists this week about their testing of all of those
14 narcotics that were recovered.

15 And going back to -- culminates -- the whole
16 story culminates -- remember I told you the conspiracy
17 runs from October 2020 to November of 2021. It
18 culminates in that raid in West Virginia. Mr. Baker is
19 located in the house. You'll hear from some other
20 people who were located in the house. You will hear
21 evidence of what happened after Mr. Baker's arrest, and
22 you'll hear -- we'll present evidence to you of
23 Mr. Baker's confession of trafficking methamphetamine
24 upon his arrest in November of 2021.

25 Ladies and gentlemen, after the government

1 has presented all of its evidence during the course of
2 this trial, Ms. Sandling is gonna come to you at the end
3 of the trial and present a closing argument where we
4 will ask you to examine the evidence and find the
5 Defendant Baker guilty of all charges and Defendant
6 Holcomb guilty of all charges. Thank you.

7 THE COURT: Counsel for Mr. Baker.

8 MR. CHETSON: May it please the Court.
9 Ladies and gentlemen, before I walk over to you, I'm
10 gonna introduce you -- this is Chris Baker. He is my
11 client, and I'm proud to represent him.

12 I'm here to tell you that Chris Baker dealt
13 methamphetamine. Over my table, we've got a nice big
14 binder here provided to us by the government that's got
15 some of the evidence, and I expect the evidence that
16 you're gonna hear over the course of the next week. And
17 I'm gonna say it again, that Chris Baker dealt
18 methamphetamine. And before I move on to say, well,
19 what am I doing here as a defense attorney admitting
20 this all to you in my opening statement to y'all -- and
21 again, I'm Damon Chetson -- let me back up for a moment
22 and say something about language and the way we talk in
23 the courtroom. And you're gonna hear a lot of language
24 from the witness stand and from the lawyers, words like
25 "trafficking," words like "controlled purchase," really

1 terms of art in the kind of work that we do as
2 prosecutors, defense attorneys, agents, and so forth.
3 Really what it amounts to, trafficking is dealing in an
4 illegal substance. Methamphetamine is an illegal
5 substance. And I'm here to say Chris Baker dealt it.

6 So why am I here? What are we doing here?
7 We're here because this is a special room and this is a
8 special building. It's a building that's been created
9 by the American people to help us adjudicate
10 disagreements between parties. Sometimes those parties
11 are a landlord suing a tenant or a tenant suing a
12 landlord. Sometimes these are between the government
13 and a human being over here saying, "I am not guilty,
14 and I want 12 folks to come to court and make that
15 decision by certain rules that we follow."

16 And so this case comes to us here for you to
17 be chosen at random from the community to say, "Yes,
18 it's been proved beyond a reasonable doubt," or "No,
19 it's not been."

20 So back to our case and Chris Baker dealing
21 methamphetamine. It's an incredibly sad story. I think
22 there are gonna be moments during the trial, as there
23 are in any trial, where a little bit of humor creeps in.
24 You're gonna hear about an RV traveling all over Georgia
25 and North Carolina and South Carolina and Chris Baker --

1 and it may seem sort of comical in some vision, but it's
2 an incredibly sad story. It's a sad story about the
3 distribution of methamphetamine in our communities.

4 But it's also a story about -- sad story
5 about Chris when he was arrested last year in November.
6 It was evident that he was a methamphetamine addict as
7 well and that he had been using methamphetamine.

8 So now having essentially admitted that to
9 you that he dealt methamphetamine, then we still need to
10 go through the process, which I'm sure we will do this
11 week, where the government has to prove its case beyond
12 a reasonable doubt. And so I ask you, even though the
13 defense attorney has stood up here and said this, to
14 think through all of the evidence that is going to be
15 presented to you and match that up with the indictment,
16 which is the document that has accused Chris of these
17 crimes.

18 Then why are we really here? Well, we're
19 really here because this case is also about firearms.
20 And the government contends that Chris and others
21 possessed firearms in furtherance of a drug trafficking
22 offense. And in particular, these are counts 4, counts
23 14, and count 17. Four, 14, 17. And those are the
24 three counts that I'll be focusing on and asking you to
25 focus on. On February 27th, 2021, count 14; on June

1 4th, 2021, count 4; and on November 5th, count 17,
2 November 5th of last year, when Mr. Staley is finally
3 arrested and there are two machine guns that have been
4 provided by the ATF as part of that transaction.

5 I expect in a little while, maybe this
6 afternoon or tomorrow, there'll be some government
7 witnesses to testify and they will likely be admitted as
8 expert witnesses. But really they're government agents.
9 And one of those agents, Steve Babits, is probably going
10 to tell you that drug trafficking organizations, that is
11 groups or cohorts of people that sell and buy drugs,
12 oftentimes have firearms. But really it's up to you at
13 the end to determine whether or not the firearms in
14 question in those counts, counts 14, 4, and 17, were
15 really done in furtherance of -- the firearms were
16 really possessed in furtherance of the drug trafficking
17 offenses.

18 Who is Chris Baker? Well, you're gonna
19 learn that he's the defendant, he's the man with the
20 beard over here; that he's a biker; that he's a member
21 of the Pagans Motorcycle Club, although his particular
22 membership at times vacillates; that he's a person who
23 was addicted and consumed methamphetamines, and he's a
24 person who bought and sold it. And to not make too much
25 about it and to not make this issue too plain to you,

1 but to make it clear, I expect by the end of the trial
2 you'll see me seated over there and there will be -- you
3 can imagine little packets of methamphetamine piled
4 around me, and that's something that I'm here to tell
5 you will, ultimately, likely be proved.

6 But I ask you to consider who the government
7 brings to testify, what their incentives might be in
8 testifying for the government, and why they say the
9 things that they say. Ultimately, I'll be back at the
10 end of the case to ask you to hold the government to its
11 burden, which is that it prove this case and each charge
12 and every element of each charge beyond a reasonable
13 doubt. Thank you.

14 (Brief pause in proceedings.)

15 MS. SALMON: Excuse me, Your Honor. I
16 apologize for the delay. I'm gonna use a visual aid, so
17 the government agents are nicely helping me out. I
18 apologize for the delay.

19 Your Honor, may it please the Court. Good
20 afternoon, ladies and gentlemen. I am Elisa Salmon. I
21 introduced myself earlier and my whole team, so I won't
22 do it again. Again, my name is Elisa Salmon, and I am a
23 defense attorney. My client this week is Landon
24 Holcomb, the young man sitting right over there wearing
25 a tie and black suit.

1 Now, at the outset, I want to say something
2 very important. These are going to be two very
3 different cases that you're going to hear as to
4 Mr. Baker and Mr. Holcomb. And from where I stand and
5 what's important for me to tell you is that even though
6 there will be a lot more evidence and information about
7 Mr. Baker than Mr. Holcomb, Mr. Holcomb, his future, and
8 what we maintain is his innocence in this case, is of
9 the utmost importance in this proceeding for us and of
10 course for all of you. And I know that you understand
11 that.

12 You've heard the government's forecast of
13 evidence, and what I heard him to say -- what I heard
14 Mr. Dodson, my colleague, to say, was the evidence they
15 expect will show that Landon intended to help Mr. Baker
16 in his meth dealing. And, ladies and gentlemen, the
17 evidence will not show that Landon Holcomb intended to
18 ever or wanted to ever help Mr. Baker and his crowd with
19 their meth dealing.

20 It's important that we talk about what the
21 evidence will show, but it's equally important that we
22 talk about what the evidence will not show, because
23 that's evidence as well. You will not see Landon
24 handing drugs, holding drugs, interacting with the
25 confidential informant. You won't hear him on a

1 recording. You won't hear him talking to Mr. Baker.
2 Ladies and gentlemen, evidence you're going to hear over
3 the next five days will convince you that Mr. Baker and
4 Mr. Holcomb, as of 4:30 today, have now spent more time
5 together in this room than they ever did in the real
6 world. These individuals, the evidence will show you,
7 are almost strangers to one another.

8 So how is Landon here? You're looking at me
9 thinking, "Why is he sitting over there?" Every one of
10 us at some point in our life has been told by a parent,
11 a grandparent, a beloved teacher, that we are known by
12 the company we keep. And there's a reason that every
13 one of us was told that, because it's excellent and
14 sound advice. Now, we're not just known by the company
15 we keep. Sometimes, and unfortunately for Mr. Holcomb,
16 that can have very bad consequences, because sometimes
17 we are also arrested and charged with the crimes of the
18 company we keep.

19 The evidence will show you that Landon
20 Holcomb has a Harley Road King. He is a young man.
21 He's only 28 years old. At the time of this case, he's
22 living down in Richlands, North Carolina, which is in
23 Onslow County. You are going to hear -- the evidence is
24 going to show you that Mr. Baker and his crowd are
25 located over sort of in the Kings Mountain area. So the

1 evidence will show you there's a divide east of 95, west
2 of 95, and how the motorcycle club operates.

3 The evidence will show you that Landon, at
4 the time of the charge that we're gonna be talking about
5 in a moment, is doing what's called prospecting with the
6 Pagans Motorcycle Club east of 95. Prospecting, as I
7 have learned in the course of this representation, it's
8 essentially your tryout period. It's like when you're
9 in a new job and they put you -- like, you have a
10 six-month probationary period to make sure you're, you
11 know, know how to type and use a computer. Well, in
12 Landon's case, he's prospecting in November of 2020.
13 That means that he's not really a full-fledged member
14 but he's someone who is riding motorcycles and becoming
15 associated with the Pagans east of 95, and mostly let's
16 talk about it being in Onslow County.

17 Now, the government will have an expert who
18 will talk to you about the Pagan Motorcycle Club or the
19 Pagan Motorcycle Gang, as they call it. And you're
20 going to hear a lot about what this thing is. Right?
21 This is not something that most of us in our day-to-day
22 lives ever encounter or think about. And you're going
23 to hear about the history of these clubs and essentially
24 that, by and large, they were borne out of returning GIs
25 after World War II who missed the camaraderie, the

1 hierarchy, the structure that they had in the military,
2 that they had serving overseas as uniformed soldiers,
3 and that when they came back -- and also had been
4 motorcycle riders -- they sought out that same kind of
5 adventure, freedom, structure, and camaraderie. And,
6 ladies and gentlemen, that's -- and a love of
7 motorcycles -- what draws a lot of folks to these clubs.

8 The government expert will also likely tell
9 you there's significant crossover in motorcycle clubs
10 with the American military, both current active duty
11 personnel and recently separated contractors and retired
12 personnel. There's a great crossover in that. In fact,
13 majority of folks who ride motorcycles in these clubs
14 have at some point in their life been uniformed service
15 members. And you'll hear that that was the case with
16 Landon, that he served five and a half years as a Marine
17 and was government contracting at New River Airfield at
18 the time of this indictment. So this is Landon.

19 You've already heard Mr. Chetson,
20 Mr. Baker's counsel, tell you that Mr. Baker sold meth.
21 There will be 12 controlled buys in this case that the
22 government will present evidence on. Landon Holcomb is
23 charged related to aiding and abetting -- so helping --
24 one deal, November 6, 2020.

25 You are going to hear a lot of evidence

1 about this RV that Baker owns. He owns this old RV, and
2 they travel all over Georgia and western North Carolina
3 and South Carolina picking up meth and dropping off meth
4 with women and selling user amounts and just doing all
5 kinds of criminal things. But on this specific day
6 while Landon is prospecting with the -- this is during
7 the time frame where he's in the trial for the Pagans
8 east of 95 -- he's contacted by Baker.

9 Now, you're going to hear from one witness
10 for the government that was there, and his name is
11 Joshua Presley. And the evidence will show you that at
12 this time, Presley and Baker are thick as thieves.
13 They're in this RV together, they're going state to
14 state, they're sleeping together, they're eating
15 together, they're doing all kinds of things together.
16 They are thick as thieves.

17 You will also hear at this time that Baker's
18 growing. He's growing his influence. And Mr. Presley,
19 when he walks out that door and takes that stand, he
20 will tell you, as he recently told law enforcement in an
21 interview, that at this time Baker was looking to reach
22 outside of his inner circle because they needed to find
23 fall guys. Fall guys. So if anyone has watched old
24 Mafia movies, we know what fall guys are: Dupes,
25 scapegoats, patsies, fall guys.

1 They're specifically looking for fall guys
2 from outside their own little unit that they can push
3 the blame on for drug and gun crimes if they get caught
4 by law enforcement.

5 Enter Landon. He is called by Mr. Baker,
6 and he shows up in his Nissan Murano. So he has a nice,
7 mom-looking sedan. The evidence will show you that
8 Mr. Presley gets in the car with this, and that in it is
9 54 grams of methamphetamine.

10 Now, Mr. Presley initially told law
11 enforcement that nobody looked in that cigarette pack,
12 that he placed it in the console, and that he did not
13 tell Landon Holcomb what was up. They were told to
14 drive to Raleigh. Presley said, "We're meeting somebody
15 at a Burger King," and that's what Mr. Holcomb did.
16 Now, remember, this is a military-style structure. So
17 Landon's job was just to show up with his Nissan Murano.

18 So Presley and Baker the evidence will show
19 you are thick as thieves. And Mr. Presley gets out of
20 that car. And Mr. Presley gets into the car of the
21 confidential informant, gives this to him -- right? --
22 this is the buyer, this is his buyer, he doesn't know
23 he's working with the cops -- leaves the cigarette pack
24 with him, does his deal, and gets back in with Landon.

25 Ladies and gentlemen, that's it. That's

1 what the evidence will show you.

2 Now, I submit to you that the evidence will
3 show you that Landon did not want to help these people,
4 Baker's crowd, to sell drugs, that he did not willingly
5 enlist himself as their scapegoat, patsy, or fall guy,
6 because you will see, as this story about Mr. Baker and
7 his inner circle goes on and on and on after November
8 6th, you will never hear about Landon Holcomb being
9 anywhere near them ever again. He does not allow his
10 Nissan Murano to be conscripted to their ill purposes
11 because Landon never wanted to help Baker or anybody
12 else sell and distribute drugs.

13 So at the end of this, ladies and gentlemen,
14 I will come back before you. This is really the only
15 time -- this time and at the very end -- where I get to
16 talk directly to you. And I want you to hold me to what
17 I've represented to you that the evidence will show and
18 what it will not show. And I will ask you to conclude
19 the government has not met its burden to rule out the
20 reasonable possibility that when Landon figured out that
21 he had been conscripted into Baker and his crowd to be
22 their fall guy and their scapegoat and their patsy, he
23 left his Nissan Murano at home.

24 Thank you, ladies and gentlemen.

25 THE COURT: All right. If the United States

1 would call its first witness.

2 MS. SANDLING: Your Honor, the government
3 would call Jeremy Scheetz.

4 THE COURT: Witness will step forward to be
5 sworn.

6 THE CLERK: Left hand on the Bible and raise
7 your right hand, and state your name for the record.

8 THE WITNESS: Jeremy Colton Scheetz.

9 (The witness was placed under oath.)

10 THE COURT: You may proceed.

11 MS. SANDLING: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MS. SANDLING:

14 Q. Good afternoon, Mr. Scheetz.

15 A. Hello, ma'am.

16 Q. What is your occupation?

17 A. I am an intelligence operations specialist,
18 that's an IOS, with the Alcohol, Tobacco, Firearms, and
19 Explosives in Washington, D.C.

20 Q. How long have you been employed with the ATF?

21 A. Been with ATF since 2003.

22 Q. Prior to being assigned in the intelligence
23 operation -- or prior to being assigned as an
24 intelligence operations specialist, where within the ATF
25 were you employed?

1 A. I was in the 24-hour joint support operation
2 center.

3 Q. How long were you employed within that particular
4 division?

5 A. Approximately three years.

6 Q. What are your duties and responsibilities as an
7 IOS, or intelligence operation specialist?

8 A. I monitor and track outlaw motorcycle gangs and
9 motorcycle clubs on a global perspective for the ATF. I
10 analyze and decipher intelligence, ongoing and
11 historical information. I assist ongoing investigations
12 not just on the federal level but on the state and the
13 military level as well. I conduct or assist in
14 interviews or proffers with not just ATF personnel or
15 Department of Justice personnel but along with our state
16 and local counterparts. I work outlaw motorcycle gang
17 or motorcycle club events on a global perspective. I
18 conduct training at symposiums, gang conferences, and
19 for dignitaries that I'm asked for not just at ATF level
20 but for state and locals as well. And I also work OMG
21 events and I also do conduct -- I conduct testimony in
22 court.

23 Q. When you say you work OMG events, what do you
24 mean by that?

25 A. Due to the fact that I'm not a sworn -- or carry

1 a firearm, I'm there for the intelligence collection
2 component only. I would say 90 percent of the time I'm
3 there with a camera snapping photos in real time trying
4 to identify new members, prospects, hang-arounds,
5 associates. And it's not just based on one club. We
6 work and monitor and track a lot of outlaw motorcycle
7 gang and motorcycle clubs across the globe.

8 Q. Have you ever taught any courses involving outlaw
9 motorcycle investigations and/or prosecutions?

10 A. Yes, ma'am.

11 Q. Describe what they are, please.

12 A. I've taught courses on collection of intelligence
13 or intelligence-based work in a long-term or short-term
14 investigation, not just on the federal side but also on
15 the state side. During those classes, I teach on how to
16 create charts, timelines, analyze historical
17 information, new information, how to decipher, and stuff
18 of that nature.

19 I also teach on trends and patterns. I teach on
20 violence, in particular to a certain OMG or variable of
21 various OMGs or motorcycle clubs. I teach on things
22 like migration leads to violence, which basically
23 entails when a motorcycle gang or club moves into
24 someone else's self-perceived territory, some type of
25 violent action is going to transpire because they're

1 moving into that territory.

2 I look at stuff like predictive analytics where I
3 can look at historical facts or historical acts of
4 violence that have transpired not just in the United
5 States, because we're dealing with outlaw motorcycle
6 gangs on a global perspective. Looking at predictive
7 analytics, I can prove or try to prove that some type of
8 violent altercation is going to occur with that club or
9 a support club if they move into someone else's
10 self-perceived territory.

11 Q. And "OMG" stands for outlaw motorcycle gang, is
12 that correct?

13 A. Yes, ma'am.

14 Q. Have you received any specialized training as an
15 intelligence operation specialist?

16 A. Yes. In 2006 when I switched over to the IRS job
17 series, I went to the Drug Enforcement Administration
18 ten-week academy at Quantico where I learned the inner
19 workings and the day-to-day operations of being an
20 intelligence analyst. Even though it was for DEA, we
21 did it metaphorically and we put that into perspective
22 in what we do for ATF.

23 Q. Are you currently a member of any professional
24 associations?

25 A. Yes. I belong to -- it's an organization called

1 IOMGIA. It's the International Outlaw Motorcycle Gang
2 Investigators Association.

3 Q. Do you frequently keep current on literature
4 pertaining to outlaw motorcycle investigations and
5 gangs?

6 A. Yes, ma'am.

7 Q. What is that?

8 A. It could be anything from historical indictments,
9 any type of arrests. Even newspaper articles, anything
10 that's been written, anything that's adjudicated, even
11 officer safety bulletins. I analyze and decipher all
12 that information. I look at that stuff to see if
13 there's going to be trends and patterns, look at the
14 predictive analytics. And that way I also share on a
15 global perspective with my coworkers and my colleagues
16 who are working outlaw motorcycle gangs, who are
17 analyzing outlaw motorcycle gangs, or are working on
18 outlaw motorcycle gang or motorcycle club investigation.

19 Q. You write articles that are shared within the
20 ATF, is that correct?

21 A. I write strategic and -- basically, analytical
22 reports is what I write.

23 Q. Are those articles peer-reviewed?

24 A. Yes, they are, ma'am.

25 Q. As an IOS investigator, do you come into contact

1 with outlaw motorcycle gang members?

2 A. Yes, ma'am.

3 Q. How often would you say you come into contact
4 with them?

5 A. Routinely, because I'm very fortunate. I work a
6 lot of outlaw motorcycle gang or motorcycle club events
7 across the globe, so when I'm working those events, I'm
8 there snapping photos, or if they ask for my assistance
9 on a traffic stop, or if someone gets arrested and they
10 need to be interviewed, or if there's a conversation
11 that goes on between a high-ranking member of that
12 specific outlaw motorcycle -- motorcycle club that's
13 holding the event and my state and local counterpart
14 who's communicating with them, often they ask me to come
15 in to discuss that conversation, how things are gonna
16 work for the parameters of that one-day, two-day, or
17 three-day event.

18 Q. Describe for the jury, if you would, the types of
19 situations in which you have had personal contact with
20 outlaw motorcycle gang members.

21 A. It could be during long-term investigations,
22 short-term investigations. It could be on traffic
23 stops. I've had the opportunity to conduct interviews
24 or belong or take part in interviews, not myself per se,
25 proffers. During some of these conferences that I

1 attend, a former outlaw motorcycle gang member will be
2 there to speak, and I have the opportunity to debrief
3 them about the inner workings and the history and the
4 violence and everything that pertains to outlaw
5 motorcycle gangs.

6 I'm also very fortunate that I've assisted on
7 numerous investigations within the ATF, DEA, and other
8 state and local, to include FBI, where ATF agents, or
9 what we deem "task force officers," have conducted
10 infiltrations into outlaw motorcycle gangs or motorcycle
11 clubs. And I have been able to debrief and interview
12 those individuals on a daily basis, or when they were
13 finished with the overall totality of the investigation
14 after it's been adjudicated.

15 Q. Over the course of your career, approximately how
16 many outlaw motorcycle gang members have you come into
17 contact with or had the opportunity to speak with?

18 A. I would say a little over 200. That includes
19 members, prospects, associates, hang-arounds.

20 Q. And how did you know that these particular
21 individuals were outlaw motorcycle gang members?

22 A. First and foremost, if I was working an event,
23 it's because they were wearing some type of article of
24 clothing, which they call their cuts or their rags, if
25 we're talking about the Pagans. It's basically a

1 leather vest or a denim vest. Some motorcycle clubs or
2 OMGs call them jackets or colors or their patch, or
3 they're wearing something on their body which we refer
4 to as indicia that symbolizes that they are a member, a
5 prospect or hang-around or associate of that OMG or MC.

6 It could even be an earring. It could be a
7 necklace. Or if they've been self-reported, and I have
8 done a debriefing at a prison or a jail, or they're a
9 defendant or a suspect in an investigation, or when I go
10 to a gang conference or a training and they
11 self-admitted to the audience or the crowd that they
12 were a former member of that, I've had that opportunity
13 to speak to them.

14 Q. Are cuts or rags the typical markers of an outlaw
15 motorcycle gang member?

16 A. That would be -- cuts and rags is -- there's many
17 different sayings for it in the outlaw motorcycle gang
18 MC culture. When we refer to, like, the Hells Angels,
19 they wear colors or their patch. When you refer to the
20 Pagans, it would be their cuts or their rags. When
21 you're working or analyzing Africa American multiracial
22 club, they could be considered your vest or your jacket
23 or your cuts or your rags. There's many different names
24 or different symbolisms that they use for a name to
25 identify their cuts or their rags or their jacket.

1 Q. As an intelligence operation specialist, is it
2 your responsibility to keep current with the markers of
3 outlaw motorcycle gang members?

4 A. Yes, ma'am.

5 Q. What steps do you take to keep current, would you
6 say?

7 A. First and foremost, I look at arrest reports. I
8 look at pictures that have been snapped just not by
9 myself but by a plethora -- or what we deem could be
10 gang investigators, gang cops, or even OMG experts from
11 across the globe. I'm able to get a copy of their
12 photos or certain photos that were snapped at these
13 events. My job for ATF and Department of Justice is
14 analyze these photos. I look at any historical value of
15 that photo. I look and see if there's been a rank
16 status change or structure change with what they're
17 wearing on their colors.

18 I look at any identifiable markings on their rags
19 or their cuts or their colors or vests to see if they
20 have been involved with a certain act of violence and
21 they've been rewarded or awarded. I also look to see if
22 they're a member of a hierarchy, if they hold rank or
23 structure within their outlaw motorcycle -- or
24 motorcycle club or the chapter itself, and those are
25 usually denoted or shown by some type of symbol or a

1 patch or a tag on their colors, rags, or cuts.

2 Q. Do you work with colleagues in order to keep
3 current as to both culture and markers of OMGs?

4 A. Yes, ma'am.

5 Q. And what are some of the steps that you and your
6 colleagues take in order to keep current?

7 A. Like I previously stated, first and foremost, it
8 comes from working investigations. It comes from being
9 out there and working these events on a weekend basis
10 across the globe and seeing the trends and patterns
11 within those motorcycle clubs or OMGs. It comes from
12 our investigations, our interviews, any police reports
13 or any self-admittance during someone being taken to
14 prison for an arrest or a probation violation.

15 Q. Have you ever testified in a court as an outlaw
16 motorcycle gang expert and/or in a outlaw motorcycle
17 gang case?

18 A. Yes, ma'am.

19 Q. How many times and which courts did you testify?

20 A. I believe six times. And I recently testified
21 several months ago in San Francisco in a federal Hells
22 Angels investigation. I think it was about a month or a
23 couple months before that, I testified in a Hells Angels
24 trial that was held in Portugal, but I did that --
25 because of the COVID and travel policies, I did that via

1 Webex or Zoom. I can't remember.

2 I've testified in several Department of Defense
3 administrative hearings where a DOD employee or a
4 contractor has held a clearance or applying for a
5 clearance at the same time he was a self-admitted member
6 or a member of an outlaw motorcycle gang or a prospect
7 for a documented outlaw motorcycle gang. I also
8 testified in an administrative hearing out of, I think
9 it was Willoughby, Ohio, where a police officer was
10 dating a full patch member of the Hells Angels.

11 Q. And you testified in these courts as an expert,
12 is that correct?

13 A. Yes.

14 Q. Have you ever not been tendered or recognized as
15 an expert within the field of outlaw motorcycle gangs?

16 A. No, ma'am.

17 MS. SANDLING: Your Honor, at this time the
18 government would tender Jeremy Scheetz as an expert
19 within the field of outlaw motorcycle gangs.

20 MR. CHETSON: The defense objects, Your
21 Honor.

22 MS. SALMON: Defense objects, Your Honor.

23 THE COURT: All right. The Court's heard
24 the objections and the reasons for those objections.
25 Those objections are matter of the record. The Court

1 has ruled that this witness will be allowed to give a
2 circumscribed opinion regarding certain aspects of
3 outlaw motorcycle gangs.

4 Ladies and gentlemen of the jury, you're
5 about to hear from this witness who will testify to some
6 of his opinions and the reasons for his opinions. This
7 opinion testimony is allowed because of the education or
8 experience of this witness. You should judge this
9 opinion testimony just as you would any other testimony.
10 You may accept it or reject it, and give it the weight
11 you think it deserves considering the witness's
12 education and experience, the reasons given for the
13 opinion, and all of the other evidence in the case.

14 BY MS. SANDLING:

15 Q. Mr. Scheetz, could you please explain for the
16 jury when and where the Pagans started.

17 A. Pagans originated in Prince George's County,
18 Maryland in 1959.

19 Q. Explain the day-to-day life of a Pagan member, if
20 you would.

21 A. Pagans member, first and foremost, he's a member
22 of the Pagans. That's his first priority. The second
23 priority, depending on the individual, could be his
24 employment. It could be his family. He is at the beck
25 and call of the Pagans Motorcycle Gang, Motorcycle Club.

1 He is at their mercy. If they call or if he's notified
2 he needs to report -- they hold what we call a meeting,
3 most of the time once a week. They call that "church."
4 It could be held in a bar. It could be held in a
5 restaurant. It could be held at a member's residence.
6 The Pagans, unlike most motorcycle clubs or motorcycle
7 gangs, for the most part don't have clubhouses where
8 they would hold their church meeting, so they would hold
9 it once a week at the bar or restaurant.

10 Afterwards, a lot of times, not per se every
11 single one, will go out and do a power -- will go out to
12 the bars or stay at the bars or they'll go out for the
13 evening. It's one of those things that when you're a
14 member of the Pagans, you will -- you are at their beck
15 and call no matter what it is. It doesn't matter if
16 you're a Pagan in the state of Washington or if you're a
17 Pagan in North Carolina or Virginia. You are first and
18 foremost a member of the Pagans, and you will report and
19 do whatever the Pagans nation calls upon you to do.

20 Q. What is a one-percenter?

21 A. It's any group of motorcyclists who voluntarily
22 make a commitment to band together to abide by their
23 organization's rules, which -- their bylaws -- who
24 engage in violence and are serious and repeated
25 offenders that come into contact with society in law.

1 Q. Can you explain for the jury what a prospect is?

2 A. A prospect is -- first and foremost, it's an
3 ingratiating period. It's a period within most
4 motorcycle gangs or motorcycle clubs where the
5 individual voluntarily decides that he wants to become a
6 prospect. It's usually the phase after you become a
7 associate or a hang-around, depending on the outlaw
8 motorcycle gang or the chapter.

9 And it's a period where you listen. You learn
10 about the history of the club. In the Pagans, during
11 this time frame, or right now within the Pagans, you can
12 either buy your patch for about 500 or \$650 where there
13 is no prospect period, or in certain chapters they will
14 make you prospect for three months to six months.
15 Within that time period, you are basically brought in by
16 a patch member or sponsored by a patch member of that
17 chapter, and it's his responsibility along with the
18 other members of the Pagans to teach you about the
19 Pagans nation, as they call it. First and foremost, you
20 are at the beck and call. You will do what you are
21 told. You will go places. You will conduct guard duty
22 during the church meeting which we just discussed.

23 You will not be going into any church meeting.
24 You will stand guard outside. You are looking for
25 adversaries, looking for, you know, something that could

1 be of hindrance or something that could be a threat to
2 the Pagans at that time. You are responsible to have a
3 motorcycle. That responsible [sic] should be -- should
4 be working at all times. You should be expected to
5 attend events. And when you're working these events,
6 just like church, you'll be doing guard duty. You would
7 be at the beck and call. It could be something so
8 miniscule as going to get beer or going to carry an axe
9 handle or do something at the furtherance of the club.
10 But first and foremost, you will do whatever you are
11 told within the Pagans.

12 Q. Does a Pagan that is a prospect wear a different
13 rag or cut than a Pagan who is an actual member?

14 A. Yes. A Pagans prospect, unlike most motorcycle
15 gangs or motorcycle clubs, wears a plain denim vest.
16 There's nothing on the front, nothing on the side, and
17 nothing on the back.

18 Q. Does a president wear a different type of cut
19 than a member?

20 A. Yes, ma'am.

21 Q. What type of cut does a president wear?

22 A. Once you become a full patch member of the
23 Pagans, you can wear anything that says the word
24 "Pagans" or has the Pagan symbol, which is the Surtr, or
25 their moniker.

1 The back is the most important. It's pretty much
2 gonna be the same. When you become a member of the
3 Pagans, the top portion, which is called the top rocker,
4 is called the Pagans cloud. It says the word "Pagan's"
5 in there, apostrophe S.

6 Below that you have their center patch or their
7 moniker, which is their Surtr. And then below that you
8 will see MC, which are two rectangle or two small square
9 patches, which mean "motorcycle club." And below that
10 you will see the area that they control in the United
11 States, or the Pagans themselves, they wear five
12 different bottom rockers. If you're on the East Coast,
13 North Carolina, Virginia, you'll wear East Coast.
14 That's for a regular member, or an RM.

15 If you are a president or called a diamondback,
16 it's the exact same set of colors on the back. The only
17 difference is above that top rocker which is the Pagans
18 cloud, you'll have a diamond over that, and that
19 signifies or illustrates that you are a chapter
20 president or called a Diamond, is their vernacular for
21 it.

22 Q. What is a mother club?

23 A. The mother club member is the overall hierarchy
24 within the Pagans. They have the final say. The mother
25 club members either control a state, or depending on the

1 size of the state and the number of members and chapters
2 within that state, you might have three or two mother
3 club members that control a certain amount or chapters
4 within that state. Every president or diamondback
5 within that state or that region that he controls
6 reports to the President of President, who's between the
7 13 or the mother club member. And then they go into the
8 mother club member himself.

9 The mother club member controls everything. It
10 could be from when they're gonna host parties to what
11 they're gonna sell as T-shirts or their indicia or where
12 they're gonna try to open new chapters. The mother club
13 member is the one who controls what we call the OMG
14 underworld or the subculture. It's the mother club
15 member who a lot of times will have conversations with
16 other dominant OMGs or even their adversaries in an area
17 about expanding into one's self-perceived territory.

18 The mother club members of the Pagans is
19 basically called the counsel. They hold meetings pretty
20 much every six to eight weeks, but that's not always the
21 case. Within the Pagans, they hold what we call state
22 meetings. Every state -- not every state now, but
23 states will hold what we call a state party, and a lot
24 of times at that state party you'll get a group -- say
25 if there's 15 mother club members right now, maybe 10 of

1 the 15 will show up to that party. And during that
2 party they will sometimes hold meetings. And those
3 members will vote within the mother club on who they
4 should bring into the new mother club members, maybe
5 bring in some new President of Presidents, if they
6 should expand or if they should -- you know, what type
7 of territory they should control, if they should be
8 friendly or adversarial towards certain motorcycle
9 clubs. And mother club members will also talk about
10 ongoing investigations, adjudicated investigations, and
11 stuff of that nature.

12 Q. Is there a difference between a mother club and a
13 local chapter of the Pagans?

14 A. Oh, yeah. The mother club is the highest. The
15 local chapter is just a group of members belonging to
16 one entity. The entity is that chapter.

17 Within the mother club itself, say for one mother
18 club member, he could have up to eight to probably 12
19 different chapters that he oversees or governs. Per se,
20 right now, say if we have about 15 or 16 mother club
21 members in the Pagans, there's about 164 chapters within
22 the Pagans, so -- and it's not equally divided out.
23 Like, Pennsylvania has three mother club members broken
24 up to western Pennsylvania, central Pennsylvania,
25 eastern Pennsylvania, because there's so many chapters

1 and they oversee a certain -- whereas -- like Virginia
2 right now only has one mother club member. He oversees
3 all of Virginia.

4 So it's not just about each mother club
5 controlling a state. We have some mother clubs that can
6 control five, six, seven states, or certain -- or more
7 than that, more regions.

8 Q. Across the United States, how many mother club
9 members are there?

10 A. We believe right now there's 15.

11 Q. So within the Pagan hierarchy, can you explain
12 what that hierarchy is?

13 A. The hierarchy starts with -- you start off as an
14 associate or a hang-around. It also depends on the
15 chapter.

16 Once you are a hang-around, you become a prospect
17 in some instances. Some instances you can completely
18 skip if you come from another motorcycle club or a
19 motorcycle gang or an outlaw motorcycle gang. You can
20 pay a certain amount of money. Sometimes it's 500 or
21 \$650. You'll become a member. That's basically your
22 real phase. Phase 1 is the hang-around or associate
23 phase. Phase 2 is prospect. Phase 3 is member.

24 After membership, you're gonna be what we call a
25 Diamond, or the chapter president. After that is the

1 President of Presidents. The President of Presidents
2 oversees a group of Diamonds, similar to a mother club,
3 but he is the liaison between the Diamond or the chapter
4 president and the mother club members.

5 So anything -- that way, the Diamonds can't go
6 directly to the mother club members themselves. They
7 have to go through the POP, and then he instructs what
8 he just learned from all his Diamonds.

9 It's a very military type hierarchy. I would say
10 it's from the top down, not from the bottom up. The
11 overarching control comes from the mother club, and then
12 from the mother club they also have a president. I like
13 to say there's an international president, because the
14 Pagans have expanded into Puerto Rico, but that
15 president has overarching rights to say -- in control.
16 Even if the mother club's members disagree, he can make
17 a decision and overrule them.

18 Q. Can you explain the role of a 13?

19 A. Yeah. The role of a 13 is basically he controls
20 an area or region. He has -- there's been times where
21 I've seen a mother club member control four different
22 chapters, and I've seen it where they've controlled up
23 to 15 different chapters. He makes sure everything runs
24 on a day-to-day basis and everything he is aware of.
25 Does that always happen that I've seen? No. But for

1 the most part, the Pagans mother club member controls
2 every aspect of the Pagans within his bottom down
3 hierarchy. He makes sure that anything that takes place
4 from new indicia, any runs, any adversaries, any type of
5 violence, he is aware of that goes on. Anything
6 nefarious or anything that they want to do has to go
7 through the mother club member. He has total control.
8 And then he goes to the other mother club members, which
9 they call the counsel, and a lot of times they'll vote
10 on it or he keeps them aware of what's going on or
11 transpiring in his region or state or states.

12 Q. Are you familiar with the defendant Chris Baker?

13 A. Yes, ma'am.

14 Q. How are you familiar with him?

15 A. I knew Chris Baker from before he was a member of
16 the Pagans, when he was a member of another motorcycle
17 club, through pretty much the same thing, me working
18 outlaw motorcycle gang events across the country. I had
19 seen him at those events in colors. And then I know him
20 from being a member of the Pagans as well.

21 Q. And what role did you know Mr. Baker to have
22 within the Pagans?

23 A. I knew him to be a mother club member, a 13.

24 MS. SANDLING: Nothing further, Your Honor.

25 THE COURT: Cross-examination, counsel.

1 MR. CHETSON: I think Ms. Salmon was gonna
2 start.

3 CROSS-EXAMINATION

4 BY MS. SALMON:

5 Q. Hello, Agent Scheetz.

6 A. Hello, ma'am.

7 Q. You do not know who Landon Holcomb is, do you?

8 A. No, ma'am.

9 Q. You've not encountered him in your investigations
10 and research and studies of the Pagans, have you?

11 A. No, ma'am.

12 Q. So you do not have an opinion about his role in
13 the hierarchy, correct?

14 A. No, ma'am.

15 THE COURT: Thank you, counsel.

16 MS. SALMON: Your Honor, I actually just was
17 making sure that, time-wise, you would like me to
18 continue.

19 THE COURT: Oh, okay. You can continue.

20 MS. SALMON: Okay. Thank you, Your Honor.

21 BY MS. SALMON:

22 Q. You talked a little bit about prospecting and the
23 hierarchy. You mentioned -- correct? Prospects?

24 A. Yes, ma'am.

25 Q. And you mentioned that a prospect during that

1 period is at the beck and call of the higher ranking
2 members, right?

3 A. Correct, ma'am. Yes.

4 Q. So if they are ordered to do an errand, they have
5 to do it, right?

6 A. They have to, yes, or there's ramifications.
7 Yes.

8 Q. What do you mean?

9 A. A lot of times, there could be -- they could be
10 stripped of their prospect status. They can be
11 assaulted. They can be beaten. Or they can be kicked
12 out for not following an order.

13 Q. And is disrespect or the idea of disrespect
14 within that hierarchy a central part of the Pagan
15 structure?

16 A. Yes, ma'am.

17 Q. Tell me about that.

18 A. It's all built around -- the motorcycle club or
19 the OMG subculture lifestyle is all about respect. It's
20 about earning respect and giving respect. It's a very
21 alpha male driven society. If you are a prospect, you
22 are on the lower rung, or a probate, depending on what
23 you prospect for. You're at the beck and call, and you
24 will listen and you will take orders. If you do not
25 follow those orders, then there will be some type of

1 ramification for not following that order.

2 Q. And you mentioned it's very similar to the
3 military structure, correct?

4 A. Yes, ma'am.

5 Q. In its hierarchy, right?

6 A. Correct, yes.

7 Q. And so orders come from the top down, correct?

8 A. Correct.

9 Q. And it would not be appropriate within that
10 culture for a low-rank person to ask questions of a
11 high-rank person, correct?

12 A. Not in the Pagans. No, ma'am.

13 Q. That is just not done. Am I correct?

14 A. I wouldn't say it's not done, but it's frowned
15 upon.

16 Q. Is it a sign of disrespect?

17 A. It's a sign of disrespect, yes.

18 Q. You mentioned when Ms. Sandling was questioning
19 you that you had written reports for ATF and internal
20 reports for law enforcement, right?

21 A. Yes, ma'am.

22 Q. And one of those reports was about the crossover
23 between outlaw motorcycle clubs or gangs and the United
24 States Armed Forces, is that true?

25 A. Yes, ma'am.

1 Q. Could you tell the jury about that.

2 A. So, historically, back in 2009 we got a request.
3 When I say "we," my partner and I, or my mentor, got a
4 request from the Air Force out of Texas saying that they
5 were seeing a lot of outlaw motorcycle gangs, per se the
6 Bandidos, on an Air Force base in Texas.

7 We looked into it and realized that it was a
8 fairly large problem. It was a brand new trend and
9 pattern that we were observing. Within that, our bosses
10 told us to write a report. Every year I've written a
11 report up until about 2015. Now I write it every other
12 year, looking at trends and patterns. And it doesn't
13 just have to be just with military or active duty
14 military. We're looking at all aspects of the military,
15 the federal government, state and local governments, law
16 enforcement.

17 It started off as a military base report looking
18 at active duty and former military, but it looks at all
19 aspects of the U.S. and state and local governments,
20 members that hold clearances, doing hold clearances,
21 that are active members or associate openly with outlaw
22 motorcycle gangs or motorcycle clubs.

23 Q. And is it fair to say that over a good percentage
24 or a majority of motorcycle club members have some
25 military background or affiliation?

1 A. I would say it's -- I would say from the checks,
2 it's probably about 50 percent. Yes, ma'am.

3 Q. So as much as 50 percent has some --

4 A. It also depends on the region. You also have to
5 look where the military bases are located. Where the
6 military bases are located, you're gonna see more of a
7 military presence within those motorcycle gangs or
8 outlaw motorcycle gangs. As you get farther away from
9 areas where there is no military bases or military
10 compounds or even U.S. government buildings, but you're
11 going to -- you're not gonna see as many outlaw
12 motorcycle gangs affiliating with U.S. government on the
13 contractor side or employer side.

14 Q. So in a state like North Carolina with a very
15 significant military presence, you would expect the
16 percentage to be much higher than 50 percent of military
17 affiliation, correct?

18 A. I can't give a percentage, ma'am, but I can tell
19 you a lot of East Coast based Pagans have an affiliation
20 with the Marine Corps, yes.

21 Q. And, in fact, the Pagans have been actively
22 recruiting around North Carolina's military
23 installations, correct?

24 A. Yes. They've always recruited military members.

25 Q. Why?

1 A. It's an attention to detail. It's -- they'll
2 follow orders. It's the fact that they understand the
3 way of life. They understand -- it is a camaraderie.
4 It is a brotherhood. They're looking at times -- and
5 it's not always based on being at war. It's based on --
6 it's a brotherhood, and they're looking for a
7 brotherhood or a camaraderie like they had in the
8 military, to join that. And they use it as a -- kind to
9 enjoin a motorcycle club or an outlaw motorcycle gang.

10 THE COURT: Ms. Salmon, we're after 5:00.
11 If you can wrap up in a minute or two -- if not, we'll
12 recall this witness in the morning. What's your
13 preference?

14 MS. SALMON: Your Honor, if we could recall
15 the witness in the morning.

16 THE COURT: All right. Ladies and gentlemen
17 of the jury, it is after 5:00, and I promise you that I
18 will try to respect your time. We will return tomorrow
19 morning at 9:30. Be prepared to be parked and in the
20 jury room and subject to being called in at 9:30. And
21 we will proceed with the presentation of evidence in
22 this case. Thank you so much. We'll walk you out.

23 THE CLERK: You can leave your notebooks
24 right there on the chairs.

25 THE COURT: Please remember you're not to

1 discuss this case with anyone, including each other,
2 until you're ready to deliberate. If anyone attempts to
3 talk to you about the case, please notify me
4 immediately. Thank you.

5 (The jury exited the courtroom.)

6 THE COURT: All right. Off the record -- I
7 mean -- sorry. Back on the record, outside the presence
8 of the jury. Is there anything that we need to take up
9 at this time outside the jury's presence?

10 MS. SANDLING: Not for the government, Your
11 Honor.

12 MR. CHETSON: Not for Mr. Baker.

13 MS. SALMON: Your Honor, I just would like
14 the record to reflect that with respect to our standing
15 objection to the government's experts, we were hustling
16 to try to find a counter-gang expert. I was finally
17 contacted this morning by the individual that we had
18 attempted to hire saying that he would be happy to talk
19 to me this afternoon, so I would just like the record to
20 reflect that, on a standing timeliness objection.

21 THE COURT: Okay.

22 MS. SALMON: Thank you.

23 THE COURT: If the information that's
24 provided to you, if you can provide that to the
25 government as it comes in if you intend to call them

1 later, we'll proceed on that basis.

2 All right. Thank you. We'll be in recess
3 until 9:30.

4 (Proceedings recessed at 5:06 p.m.)
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18 C E R T I F I C A T E
19

20 I certify that the foregoing is a correct
21 transcript from the record of proceedings in the
22 above-entitled matter.
23

24 /s/Risa A. Kramer

6/11/2023

25 Risa A. Kramer, RMR, CRR

Date